

In the Matter of: )  
 )  
Application for Certification ) Docket No.  
of the ) 01-EP-11  
Baldwin Energy Facility No. 1 )  
La Jolla Energy Development, )  
Inc. )

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

Robert Pernell, Commissioner, Presiding Member

Ellie Townsend-Smith, Commissioner Advisor

Amanda Behe, Hearing Officer

STAFF PRESENT

Jeff Ogata, Staff Counsel

Jim Bartridge, Project Manager

Roger Johnson

APPLICANT

Steve Wilburn  
La Jolla Energy Development, Inc.

Steve Rusch  
Stocker Resources

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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## 1 P R O C E E D I N G S

2 PRESIDING MEMBER PERNELL: Before I  
3 start my opening remarks, let me first thank  
4 Senator Murray, and certainly Assemblyman Wesson.  
5 They have been very instrumental in ensuring that  
6 your voices are heard up in Sacramento. And I've  
7 been in their offices a couple of times about this  
8 project, so let me just tell you that they are  
9 very concerned about your concerns. And so are  
10 we, at the Energy Commission.

11 We're going to go a little bit off  
12 schedule, and the first thing I want to do is  
13 introduce our Public Advisor, so if you have  
14 questions you can raise your hand and he will pass  
15 out the cards. And then as the Applicant goes  
16 through their presentation, if you have questions,  
17 please write them down on the card.

18 The other thing I would say is -- is  
19 that we are very appreciative of -- of the Mayor  
20 and the City Council for letting us use these  
21 chambers. And we want to be -- we want to move  
22 very orderly, and we want to get some business  
23 taken care of. We want to get the facts out.  
24 That's why the Commission is here, to hear the  
25 facts, to hear your concerns. And what we'll do

1       then, as -- as Senator Murray has said, we'll have  
2       a second meeting. Once we get all of the  
3       information we'll have Staff assess that  
4       information, and we will be back to you.

5               So make sure that you sign in outside,  
6       and we'll have your -- your address, and we'll get  
7       the notice out to you in a timely manner.

8               Just one other thing, and that is this  
9       is a emergency 21-day process. A question was  
10      asked, how long is the process, when will be make  
11      our decision. It's a pass or fail, and it'll be  
12      done in 21 days. And as everyone knows,  
13      California has a challenge, and that challenge is  
14      to ensure that we have enough generation this  
15      summer to prevent, to the extent possible, rolling  
16      blackouts. That's why we're here.

17              We're going to step up to that  
18      challenge. We need your help in doing that. But  
19      I think we can get through this together, and  
20      we're not here to -- to pass judgment. We're here  
21      for the facts. And we're here mainly to hear from  
22      you. And we will get through this.

23              So with that, will the Public Advisor --  
24      he has some cards. As I go through my  
25      introductions, raise your hand if you think you

1       might have a question, and our Public Advisor will  
2       -- will pass out cards and you can write those  
3       down.

4               Okay. This is an Informational Hearing  
5       conducted by --

6               SPEAKER: Commissioner, I just wanted to  
7       add that my assistant and I will be passing out  
8       the blue cards, and we also have a sign-in sheet  
9       that is being circulated. If you could -- if you  
10      are interested in being on the Commission's  
11      mailing list, or Web list server, please add your  
12      name to it, so that you can receive information on  
13      this and other projects.

14              I would ask that if your question is  
15      asked in the interim, after you fill out the card,  
16      if you could let me know, so in -- in the order of  
17      -- of time, so that somebody else can ask their  
18      question that may not have been raised already.

19              Thank you.

20              PRESIDING MEMBER PERNELL: Okay. If you  
21      think you have a question, please raise your hand.

22              In the meantime, I want to go through  
23      the introductions, and we will get this process  
24      started.

25              As I said, this is an Informational

1       Hearing conducted by the Commission. A  
2       Commissioner, myself, Commissioner Pernell, of the  
3       California Energy Commission, on the Proposed  
4       Baldwin Energy Facility Number 1. The Energy  
5       Commission has assigned myself to be the Presiding  
6       Member, to oversee these proceedings.

7               On the dais, to my left, your right, is  
8       my advisor, Ellie Townsend-Smith. To my right,  
9       your left, is the Hearing Officer, Amanda Behe.  
10      And Ms. Behe will be conducting the proceedings  
11      this evening.

12             La Jolla Energy Development, Inc.,  
13      filed an application with the Energy Commission to  
14      obtain a license to build and operate the Baldwin  
15      Energy Facility Number 1, a proposed power plant  
16      facility in Los Angeles County. The purpose of  
17      today's hearing is to provide information about  
18      the proposed power plant, and to describe the  
19      Commission's licensing process. And you will be  
20      hearing that from one of our Staff members.

21             La Jolla Energy Development applied for  
22      an Energy Commission Emergency Siting Process to  
23      help meet the state's electricity needs. The  
24      Baldwin Number 1 project is a proposed 53 megawatt  
25      simple cycle power plant, located at 5640 South

1       Fairfax Avenue, between Inglewood Oilfield and the  
2       County of Los Angeles. The proposed project will  
3       consist of two natural gas generating sets rated  
4       at 26.5 megawatts each.

5               The Energy Commission will be certifying  
6       the project under the Governor's Executive Order  
7       B-26-01, and B-28-01, which expedites the  
8       permitting process for peakers and renewable power  
9       plants that can be powered -- that can be up by  
10       September 30th, 2001.

11              At this time I'd like the parties to  
12       introduce themselves, starting with the Applicant.  
13       Will -- will the Applicant come forward, introduce  
14       your team, if you have one, or just yourself.

15              MR. WILBURN: I am the team. My name is  
16       Steve Wilburn, and I'm the President of La Jolla  
17       Energy Development, Incorporated. My partner, the  
18       other half of the team, Steve Rusch, Manager of  
19       Governmental Affairs for Stocker Resources.

20              PRESIDING MEMBER PERNELL: Okay. Thank  
21       you.

22              Will Staff please introduce themselves  
23       and their team.

24              MR. BARTRIDGE: My name's Jim Bartridge,  
25       I'm the Project Manager for the CEC for this

1 project.

2 MR. OGATA: My name is Jeff Ogata. I'm  
3 a Staff attorney for the Commission.

4 MR. JOHNSON: My name is Roger Johnson.  
5 I'm the Siting Office Manager for the Energy  
6 Commission.

7 PRESIDING MEMBER PERNELL: Thank you,  
8 Roger.

9 Are there any public agencies? Do we  
10 have public agencies? Would you come forward,  
11 please, introduce yourself.

12 MS. INGENITO: Miriam Ingenito, on  
13 behalf of the California Resources Agency.

14 PRESIDING MEMBER PERNELL: Thank you.

15 SPEAKER: Would you -- would you spell  
16 your last name, ma'am?

17 MS. INGENITO: I-n-g-e-n-i-t-o.

18 MR. TREANOR: And I'm Steve Treanor,  
19 with the California Department of Parks and  
20 Recreation. The last name spelling is T-r-e-a-n-  
21 o-r.

22 PRESIDING MEMBER PERNELL: Thank you.

23 MS. MUELLER: My name is Pang Mueller,  
24 spelled P-a-n-g, the last name is M-u-e-l-l-e-r.  
25 I'm with the South Coast Air Quality Management

1 District.

2 PRESIDING MEMBER PERNELL: Thank you.

3 MR. HINERFELD: Hello. My name is  
4 Daniel Hinerfeld. I'm here representing Los  
5 Angeles City Council, and Mike Feuer. The last  
6 name is H-i-n-e-r-f-e-l-d.

7 PRESIDING MEMBER PERNELL: Thank you.

8 Do we -- okay. And I also understand we  
9 have representatives from Assemblyman Wesson's  
10 office. Are you in the room? Please introduce  
11 yourself, for the record.

12 MR. RIOS: Mr. Commissioner, Richard  
13 Rios here, from Assembly Member Herb Wesson's  
14 office in Sacramento.

15 PRESIDING MEMBER PERNELL: Okay. Are  
16 there any other public agencies?

17 All right. At this time we'll begin  
18 with the Applicant, and I will turn the meeting  
19 over to our -- to our Hearing Officer, Ms. Behe.

20 HEARING OFFICER BEHE: We will start  
21 with the presentation by the Applicant, then a  
22 brief presentation by Staff, then a presentation  
23 by the Baldwin Hills Conservancy, then the  
24 Community Conservancy. And then our Public  
25 Advisor, Mr. Cleary, will go over again the

1 process of the blue cards. We'll have a short  
2 break during which you can identify the questions  
3 you might have on the blue card, and then we will  
4 take your questions and your comments on the  
5 record.

6 We'll start off with the Applicant's  
7 presentation. Mr. Wilburn.

8 MR. WILBURN: Thank you. Thank you,  
9 Commissioner Pernell, and various officials, and  
10 especially for the hospitality of the City of  
11 Culver City.

12 HEARING OFFICER BEHE: Excuse me, Mr.  
13 Wilburn. I --

14 PRESIDING MEMBER PERNELL: Mr. Wilburn  
15 --

16 MR. WILBURN: Hello. Are you getting  
17 feedback? Is that better? Testing, one, two,  
18 three.

19 HEARING OFFICER BEHE: I understand you  
20 have to be very close to the microphone.

21 MR. WILBURN: I guess I'm going to have  
22 to eat this thing, basically.

23 (Laughter.)

24 MR. WILBURN: First of all, as I was  
25 saying -- where's my presentation going to be

1 shown? This wall over here, behind the cameras?  
2 You can go ahead and start that.

3 (Pause.)

4 PRESIDING MEMBER PERNELL: Could we --  
5 so your presentation's not ready.

6 HEARING OFFICER BEHE: Let's have Mr.  
7 Wilburn meet with his staff about what I think  
8 we're going to call special effects, and while he  
9 is doing that and resolving this problem, I  
10 believe we have a presentation, or a comment by  
11 Senator Murray.

12 (Pause.)

13 PRESIDING MEMBER PERNELL: While they  
14 are doing that, can everyone see the -- I'm  
15 assuming that it's going to be shown over here?  
16 If not, we're going to have to have the cameras  
17 move and people move away from the screen.

18 (Inaudible asides.)

19 PRESIDING MEMBER PERNELL: Okay. That's  
20 fine.

21 HEARING OFFICER BEHE: Thank you very  
22 much.

23 (Pause.)

24 HEARING OFFICER BEHE: Senator, with  
25 your indulgence, as we have a number of people who

1 I'm sure are anxious to speak on the record,  
2 perhaps we could take your comments while we're  
3 working on this.

4 SENATOR MURRAY: Well, I shall -- thank  
5 you very much. I shall be brief.

6 I want to thank Commissioner Pernell for  
7 participating in this and coming down here and  
8 going through the site visit. For the benefit of  
9 the members of the audience, I want to state for  
10 the record that Commissioner Pernell is a person  
11 that Assemblyman --

12 (Note: Background noise interruption.)

13 SENATOR MURRAY: -- in a number of  
14 different capacities, and we know that while he  
15 has a job to do, that he will be fair on our part.

16 I'm sure that we are all somewhat amazed  
17 at the turnout here, and I know that for -- that  
18 generally, you don't like shows of emotion in --  
19 in rooms like this, but I would like everyone to  
20 give themselves a round of applause.

21 (Applause.)

22 SENATOR MURRAY: And believe me,  
23 Commissioner, this clearly is not the extent of  
24 the interest in this issue, because of the short  
25 timeframe.

1                   We also appreciate, I want to tell  
2           everyone, that Commissioner Pernell met with  
3           myself and -- and I know that his Staff, at least,  
4           went over to see Assemblyman Wesson, and has  
5           committed a sense of fairness and to do a second  
6           meeting.

7                   This is very important. You're about to  
8           hear a bunch of technical -- a lot of technical  
9           issues, and someone will tell you about air  
10          quality, and someone will tell you about space.  
11          But I really want to tell you about people. You  
12          are going to hear statements from a number of  
13          different people about what they believe that this  
14          does to their community.

15                  Assemblyman Wesson and I have been  
16          greatly concerned about this, as well as  
17          Ambassador Watson, who put comments into the  
18          record, I believe, but unfortunately is not here  
19          to say them herself. We all live in this  
20          community. I live in View Park, just probably  
21          less than a mile away from where the plant is  
22          going to be, as does Assemblyman Wesson.

23                  It has been my most important  
24          legislative project to expand Kenny Hahn Park. As  
25          a result, last year we created the Baldwin Hills

1       Conservancy. The -- the Governor, a few years  
2       ago, put \$500,000 in the budget to fund a bill of  
3       mine and Assemblyman Wesson's to create the  
4       Baldwin Hills Park Plan. You will hear a -- you  
5       will hear and see a presentation from Community  
6       Conservancy International, which has the contract  
7       to build that plan. They have, by all estimates,  
8       creates a plan which is absolutely without peer.

9                       (Applause.)

10               SENATOR MURRAY: During that process,  
11       the Applicants, Stocker Resources, have  
12       participated at every level of it. We certainly  
13       understand that we don't own that land yet. But  
14       this part of the world is extremely park poor.  
15       Los Angeles has ten percent of the park space of  
16       other major cities in the world. This part of Los  
17       Angeles County has even less than that.

18               One of the things that we had a vision a  
19       few years ago was to build a world-class park, a  
20       truly world-class park, that would not only serve  
21       the communities to the west here, but also the  
22       surrounding communities and the communities to the  
23       east. The park that you're going to hear about is  
24       over -- potentially over 1100 acres. It will be  
25       bigger than Central Park, bigger than the

1       Presidio, bigger than Golden Gate Park. It will  
2       be the largest park built in the United States in  
3       the last hundred years. And it would be built in  
4       our local community.

5                   (Applause.)

6                   PRESIDING MEMBER PERNELL: Okay. Excuse  
7       me, Senator. I've got to --

8                   SENATOR MURRAY: You have to admonish  
9       people. Okay.

10                  PRESIDING MEMBER PERNELL: Right. I --  
11       I've got to say please --

12                  SENATOR MURRAY: But thanks --

13                  PRESIDING MEMBER PERNELL: -- don't --  
14                   (Laughter.)

15                  SENATOR MURRAY: But this isn't really  
16       about infrastructure projects. We certainly do  
17       that a lot in the legislature. This is really  
18       about people. And this is very important to me,  
19       because I grew up in this neighborhood. My father  
20       bought the house that he still lives on -- in, on  
21       Marymont Drive, in View Park, in 1962. I have a  
22       home there with my wife, and frankly, I plan to  
23       stay in that community until I die.

24                   This is a community filled with stable  
25       people who have raised their families, and then

1       those children have gone on to raise their  
2       families there.

3               It is also unique in that it is one of  
4       the largest pockets of African-American excellence  
5       in the world. Not just in the country, not just  
6       in Los Angeles, in the world. It is one of the  
7       few places where a young child growing up can see  
8       positive African-American role models walking down  
9       the street, walking their dog, on the way to  
10      school, at the grocery store; who can go down to a  
11      movie theater owned by somebody that looks like  
12      them, or a shopping center that owned -- that's  
13      owned by someone who looks like them.

14             Over the years, in this country, we have  
15      seen the devastation that public works projects,  
16      which are otherwise well-intentioned, do to  
17      communities. And unfortunately, they -- it  
18      normally happens to minority communities. The 10  
19      freeway is an example. The 105 freeway is an  
20      example. There -- the examples abound.

21             So this is very important to these  
22      people, and, frankly, it also comes on the heels  
23      of a great amount of hope that we were given when  
24      the Governor put \$41 million in his budget to buy  
25      a piece of property for this park. The -- you saw

1 the site. We just bought the Vista Pacifica  
2 property, which is just across the road, maybe  
3 hundreds of yards from this plant. We spent \$41  
4 million to start that. The Governor has let it be  
5 known that he is very interested and supportive of  
6 this park.

7 And while, again, we understand that  
8 everyone has to take their -- their hit, in terms  
9 of the energy crisis, we have to question the --  
10 the rationale for putting a park here. Everybody  
11 maybe should take their piece of it, but there  
12 aren't any even other applications that I've seen  
13 to place a plant next to a current state park.

14 (Applause.)

15 SENATOR MURRAY: So, you know, again, I  
16 think most of the people in the community  
17 understand the energy crisis, understand that we  
18 have to play our role. But in looking for sites,  
19 not only is it next to a state park, but it's in  
20 the middle of a planned park. And the people from  
21 Stocker resources will tell you, and they'd be  
22 correct, that this is land that they own and  
23 control and have an economic interest in. But the  
24 fact is, they have to get a permit from the Energy  
25 Commission, they have to get a permit from the Air

1       Quality Board, and they have to do other public  
2       sector things in order to build a power plant.

3               The other thing that I want to just --  
4       just also mention is this plant is set, as I  
5       mentioned to you and your Staff, in a canyon. So  
6       the smokestacks are at backyard level, once the  
7       stuff comes out of it. I -- I noticed here, when  
8       I -- when I came in here, that my fifth grade  
9       teacher, Mrs. Brooks, is in here somewhere.

10              (Laughter.)

11              SENATOR MURRAY: But I went to Windsor  
12       Hills Elementary School, and the smokestacks from  
13       this plant will be right at the play yard level of  
14       Windsor Hills Elementary School, depending on  
15       which way the wind is blowing. So we have,  
16       obviously, serious concerns about this.

17              And again, I want to thank you for  
18       coming down here, thank you for giving the time,  
19       and I really want you to hear from the residents  
20       so that you will understand that my personal story  
21       is not a unique one, but it is probably a story  
22       shared by everyone in this room.

23              Thank you for your time.

24              PRESIDING MEMBER PERNELL: Thank you,  
25       Senator.

1 (Applause.)

2 PRESIDING MEMBER PERNELL: Are we --

3 HEARING OFFICER BEHE: Thank you. Mr.

4 Wilburn.

5 MR. WILBURN: Can everyone hear me now?

6 Is that okay?

7 Thank you very much. Again, thank you  
8 for the opportunity to not only address the  
9 Commission and the Commission Staff, but also the  
10 citizens of the community. This is the first time  
11 I've had the opportunity to meet with them, as  
12 well.

13 And in the way of introducing ourselves,  
14 I am the President of La Jolla Energy Development,  
15 Incorporated.

16 On February the 8th, Governor Davis  
17 directed the California Energy Commission to  
18 identify potential peaker sites and plant  
19 locations in the State of California. Stocker  
20 Resources responded and volunteered their site for  
21 consideration. We responded, basically, as we  
22 took a look at the sites where we, as a company,  
23 would like to develop. We wanted to make sure  
24 that we had sites that were heavily  
25 industrialized, and that had uses compatible with

1 a power plant facility, such as the one that we're  
2 going to build and construct, Baldwin Energy  
3 Facility.

4 La Jolla came forward with the equipment  
5 that was needed by the state, and the time that  
6 was able to meet the requirements that were put  
7 out by the Governor and the Commission, and be  
8 operational by September the 30th. We inquired of  
9 the CEC for a list of approved sites, or screened  
10 sites, and one of those sites was the very site  
11 that we're here and we have filed an application  
12 on, and discussing here tonight.

13 Go ahead to the next slide.

14 La Jolla Energy Development is a  
15 Delaware corporation. We were formed for the  
16 express purpose of developing energy projects.  
17 I'm the former Vice President of Business  
18 Development for a division of Allied Signal, and  
19 have personally developed six power plants in  
20 California that are currently supplying power to  
21 150,000 homes today.

22 We are all sited in environmentally  
23 acceptable ways. We complied with every provision  
24 of the existing law, not only the letter of the  
25 law, but also the spirit of the law.

1                   We are engaged in other power plant  
2                   developments under this program. We have recently  
3                   received a five/zero approval at the City of  
4                   Lancaster for another 240 megawatts of power  
5                   that's needed by California, online by September  
6                   30th.

7                   MR. RUSCH: Stocker Resources. Well,  
8                   we've tag teamed here, just to -- in the interest  
9                   of time. And I'd like to thank Commissioner  
10                  Pernell and Senator Murray.

11                  PRESIDING MEMBER PERNELL: State your  
12                  name for the record, please.

13                  MR. RUSCH: Steve Rusch, it's R-u-s-c-h,  
14                  Manager of Governmental Affairs for Stocker  
15                  Resources. We, too, would like hear from the  
16                  community, and we would hope that we can address  
17                  the concerns with the project.

18                  As Steve mentioned, Stocker came forward  
19                  at the Governor's request in both addressing the  
20                  energy crisis before us, as -- as the Commissioner  
21                  mentioned, and also with the recent April CPUC  
22                  rate increases where Stocker's seeing almost an 83  
23                  percent increase in our electrical cost, it made  
24                  sense to us to partner up with somebody like La  
25                  Jolla, who had the equipment and proposed one of

1       our oil sites. Stocker Resources is a California  
2       corporation, founded in 1990, to purchase  
3       Inglewood Oilfield and -- and a couple of local  
4       urban drill sites.

5               Since taking over the oil and gas well  
6       operations, the amount of daily production of oil  
7       being produced has increased from 8,000 barrels to  
8       now over 13,000 barrels of oil a day. We also  
9       produce about 12 million standard cubic foot a day  
10      of natural gas, which is enough to fire the  
11      particular plant that we have in -- proposed  
12      today. We also sell this gas to the Arco, BP,  
13      Watson cogen plant. So part of the interest of  
14      the project, too, is to keep Stocker's facilities  
15      running so we can continue to produce natural gas,  
16      so that the Watson cogen plant can stay up.

17             We operate over 400 wells here in the  
18      local Baldwin Hills. Gas treatment facility, for  
19      those of you which unfortunately we couldn't bring  
20      everybody on a tour of the facility, but for those  
21      hundred or so people that were there, saw the gas  
22      treatment facilities, as well as the -- the  
23      proposed site for the power generation facility.

24             We use about 12.5 megawatts of power.  
25      We've electrified our facilities over the last ten

1       years, as we'll see a little bit later. And  
2       again, trying to address the concerns that -- that  
3       we knew we would see, Stocker's been proactive,  
4       not only in making our business more viable and  
5       producing almost twice as much oil now, but we've  
6       also been concerned about the air emissions from  
7       the facilities. And when we took over the  
8       facilities, they peaked at almost 370 tons per  
9       year of NOx. And with the installation of this  
10      project, over the last ten years, the total NOx  
11      emissions will be only 20 tons per year.

12               So we're trying to address that. We're  
13      addressing that through state of the art  
14      technology, and we'll be the only peaker plant  
15      that, I believe, single -- simple cycle, which is  
16      going to have BACT at the levels of 2.5 parts per  
17      million. That's why the NOx levels are where  
18      they're at.

19               Next slide.

20               MR. WILBURN: Thank you, Steve.

21               The Baldwin Energy Facility is going to  
22      produce 53 megawatts of clean new electrical power  
23      much needed by the state, as we've discussed and  
24      experience today. Most people that saw the tour  
25      saw that the oilfield, the oil pumps were shut

1 down today because they're on an interruptible  
2 power. And just to drive the point home.

3 The two GE L2500 turbine technology is  
4 going to generate 26.5 megawatts each. Natural  
5 gas is going to be used to fuel the turbines, and  
6 it will employ the best available control  
7 technology as defined by the South Coast Air  
8 Quality Management District.

9 The extra power that we're going to have  
10 from this facility is going to be sold to the  
11 state at low prices. You've seen --

12 (Audience noise interruption.)

13 PRESIDING MEMBER PERNELL: Okay.

14 MR. WILBURN: What we're saying -- I'm  
15 sorry, but what --

16 PRESIDING MEMBER PERNELL: Please, we --  
17 we can't have interruptions. We want to be  
18 professional --

19 MR. WILBURN: Thank you.

20 PRESIDING MEMBER PERNELL: -- and we  
21 will -- we will allow you to continue.

22 MR. WILBURN: Thank you, sir.

23 When we're talking about low prices,  
24 you've read in the headlines about out of state  
25 companies charging Californians a lot of money.

1       You're talking about six to \$7 billion in excess  
2       charges. We're here to combat that. That's why  
3       I'm in business. I'm a California native. I'm a  
4       California resident. I'm a parent in this area --

5               HEARING OFFICER BEHE: Excuse me. Let  
6       us not interrupt a --

7               MR. WILBURN: I'll be happy to answer  
8       your questions after this meeting, and I'm hoping  
9       this won't be our only time together.

10              The extra power we're talking about at  
11       low prices is what we're -- what we're talking  
12       about is competitive prices that the state has  
13       entered into negotiations for us on a long-term  
14       basis. This is part of the Governor's program  
15       that we responded to. We stepped up to the plate.  
16       We're the ones spending the money to develop this  
17       project. We're not aided by the state in any  
18       particular fashion at all during this particular  
19       stage of development.

20              We're looking at reliable power for over  
21       50,000 homes from this facility. We are going to  
22       make power available to the local community, as  
23       the stock of power draw is eliminated. That's  
24       approximately 13 megawatts of -- of power that  
25       would be eliminated from the grid.

1                   We're also going to ensure, by us being  
2                   there, that the natural gas supply of the Watson  
3                   cogen facility, which is about another 300  
4                   megawatts of electricity that's currently online,  
5                   that's enough for 300,000 homes, that that stays  
6                   online, as well. Without this facility, that  
7                   could -- that plant could also be put in jeopardy.

8                   Next slide, please.

9                   Local property taxes and sales taxes  
10                  will increase as a result of the development.  
11                  Currently, Stocker Resources pays approximately  
12                  one and a quarter million dollars a year. With  
13                  the energy plant addition, we'll be paying an  
14                  additional \$500,000 a year. Sales taxes increase  
15                  also by new employees that would be added to the  
16                  payroll that would be spending money locally in  
17                  the community.

18                  Jobs added. Currently, Stocker says 60  
19                  employees, and about 100 contractors that are  
20                  there almost on -- on a daily basis, doing routine  
21                  maintenance, and also other expansions. They're  
22                  in the middle of a drilling expansion now that  
23                  encompasses about 40 new oil wells being drilled.

24                  Additional energy plant jobs during  
25                  construction, we're talking 220 jobs with a

1 payroll of approximately \$270,000 a week. And  
2 long term, we're adding 11 paid professional  
3 positions with a salary base of about \$16,500.

4 Basically, the benefits to Stocker's is  
5 -- is we outlined with them what -- we met them on  
6 April the 6th, by the way, to show you how fast  
7 these projects have come together. They're well  
8 thought out, well conceived, because of the  
9 technology we're employing. But in order to be  
10 responsive to the California energy emergency,  
11 we've had to form alliances very quickly. And one  
12 of the criteria that we had was to put it in a  
13 place where it made the most economic sense and  
14 there was value created, not only for the local  
15 community, but also a large employer. And that is  
16 Stocker Resources.

17 So to give them and ensure a supply of  
18 high quality power in the face of the utility  
19 blackouts is a tremendous benefit. They are an  
20 oil producer and a natural gas producer at a time  
21 when the state needs both.

22 We're also going to be able to control  
23 the short and long term energy costs, because  
24 we're going to be there for a while with them, and  
25 we're looking at a -- a operating lease,

1        basically.  We've heard a lot of discussion about  
2        this, but let me digress just a moment and tell  
3        you that we're only going to be there as long as  
4        the oil is being pumped and the oil is being  
5        produced.  This power plant is not going to be  
6        there longer than that.  Our lease, in fact, does  
7        not permit us to stay there one moment longer than  
8        that.

9                    Let's just go to the next one.

10                   Proposed operating hours a year.  We're  
11        going to service a peaking unit during the crisis,  
12        and that's the -- the whole purpose of this  
13        particular power plant.  We will seek a permit to  
14        operate 24 hours a day, to allow us for maximum  
15        flexibility.  No piece of equipment operates 24  
16        hours a day, seven days a week.  A more realistic  
17        assessment would be approximately 8,000 hours a  
18        year that the plant would -- would operate.

19                   This is primarily due to the economics.  
20        This is a \$50 million investment on the part of La  
21        Jolla and Stockers, and you can't pay for the --  
22        for that type of investment to give the state the  
23        needed peaking hours by operating it only during  
24        peak periods.

25                   The expected online date of the facility

1 is to be online and ready for commercial operation  
2 in accordance with the Governor's mandate, and the  
3 California Energy Commission's program, by  
4 September 30th, 2001. It is anticipated the  
5 facility's project life is approximately 30 years.  
6 This is consistent with the projections on the oil  
7 supply. But again, it's tied to the life of the  
8 oilfield. That's the life of the project.

9 Again, we're going to interconnect and  
10 burn natural gas. We're going to use existing --  
11 those of you who were on the tour, you can see  
12 that the site is -- already has a gas storage  
13 plant and a gas plant, and gas interconnections on  
14 the facility. We're going to interconnect with  
15 the Southern California Gas Company to supply us  
16 with natural gas. And the project will use  
17 approximately 12,000 MCF per day. This is enough  
18 natural gas to supply about 100,000 homes, to give  
19 you an idea of the usage of the plant.

20 The electric connection will be made to  
21 Southern Cal Edison's existing service lines, six  
22 or nine kilovolt lines that run on the east side  
23 of La Cienega Boulevard. New overhead lines will  
24 be run to connect the existing lines at La Cienega  
25 to the plant switchyard. That's over Stocker's

1 existing oilfield operation.

2 Okay. In summation, I know this has  
3 been a brief overview, but rather than spend more  
4 time with that, I know there's a lot of questions  
5 and a lot of interest in the community. Again, I  
6 want to thank the members of the community that  
7 I've spoken with so far, for the questions they've  
8 asked. And I understand their concerns.

9 And I also am supportive of the long  
10 range plans that Senator Murray outlined for this  
11 particular use. I think it's a wonderful idea.  
12 And I just want to say that I think both of these  
13 can be compatible. We can be good neighbors,  
14 along with Stocker Resources, who are good  
15 neighbors today. We plan to be good corporate  
16 citizens while we're occupying that space, and  
17 when that time is past, when the oil is depleted  
18 and the need for this power plant is no longer  
19 there, we'll graciously move on.

20 Thank you.

21 HEARING OFFICER BEHE: Thank you, Mr.  
22 Wilburn.

23 Ladies and gentlemen, you'll have the  
24 opportunity to pose questions to Mr. Wilburn and  
25 Mr. Rusch on the blue cards, which we'll collect

1 after the break.

2 Was there something else, Mr. Rusch?

3 MR. RUSCH: Yeah. I just wanted to  
4 conclude, too, and thank the Commissioner and the  
5 Commissioner's Staff for the hearing today.

6 And again, to reiterate what Senator  
7 Murray said, is that we have been working very  
8 closely with the park development process.  
9 Stocker is not adverse to a park being in the  
10 Baldwin Hills, as we've worked with the Resource  
11 Agency and with the Baldwin Hills Conservancy, and  
12 Senator Murray, and Assemblyman Herb Wesson.  
13 That's great, if that's what the local residents  
14 want, and I know the local residents have been  
15 participating very much so in the park development  
16 process.

17 However, we -- we have been, and what we  
18 have been hearing at this, there's a long term  
19 vision, and Stocker is going to continue to  
20 produce, you know, up -- upwards of 30 more years,  
21 is going to produce the 70 percent of the oil  
22 that's still in the ground. And when we leave, if  
23 it's so -- so be it that it's a park, we're all  
24 for it. And we'll continue to work with the state  
25 and with Mary Nichols, and with Senator Murray and

1 Herb Wesson, to see that through.

2 Thank you again.

3 HEARING OFFICER BEHE: Thank you, Mr.

4 Rusch.

5 We're now going to have a presentation  
6 by Staff, which I believe you'll want to listen to  
7 attentively, because it describes the process of  
8 the Energy Commission from today's date forward.

9 Mr. Bartridge.

10 MR. BARTRIDGE: Good evening. My name  
11 is Jim Bartridge. I'm the Siting Project Manager  
12 on this application. I brought 50 copies of the  
13 handout. I figured -- I didn't realize there was  
14 going to be this much support, but I appreciate  
15 everyone coming out. I've been getting your  
16 e-mails and letters, and calls. I'd be certainly  
17 happy to get you other copies, if you put it on  
18 your blue cards.

19 California's expedited power plant  
20 permitting process. Again, I'm Jim Bartridge.

21 Next slide, please.

22 Who qualifies for this process. Peaker  
23 power plants are -- they must be a peaker power  
24 plant. They must be online by September 30th,  
25 2001. To come to the Energy Commission, they must

1       be 50 megawatts or larger, and they must have no  
2       fatal environmental flaws.

3               SPEAKER: And Jim, I think everyone here  
4       would like to have a definition of what you mean  
5       by having no environmental fatal flaws.

6               (Applause.)

7               MR. BARTRIDGE: Thank you very much.  
8       The fatal flaw is something that cannot be  
9       mitigated. If it's a land use issue, if there's  
10      an inconsistency, an incompatibility with land  
11      use, if there's a biological issue, we take all  
12      these things into consideration; the local  
13      community, the demographics. We look at these  
14      things in our analysis, and we make a  
15      recommendation to the Commissioner, who puts  
16      forward a Proposed Decision.

17              So that's sort of the definition of a  
18      fatal flaw. We are looking at issues. When they  
19      turn up, we recognize them.

20              Next slide, please.

21              So the peaker -- peaking project  
22      analysis. There's the fatal flaw analysis.  
23      There's no public health or safety concerns. If  
24      that turns up, then -- then that does trigger a  
25      fatal flaw. We're looking for mitigated

1 environmental impacts, no significant adverse  
2 energy system impacts, and compliance with legal  
3 requirements. The project must have site control.  
4 And in this case, under the emergency orders, the  
5 project is exempt from CEQA requirement.

6 CEQA is the California Environmental  
7 Quality Act.

8 HEARING OFFICER BEHE: Mr. Bartridge is  
9 referring to a provision of the Governor's  
10 Executive Orders, which has suspended the  
11 California Environmental Quality Act for purposes  
12 of these proceedings.

13 Mr. Bartridge.

14 MR. BARTRIDGE: Next slide, please.

15 The emergency permit issued. The length  
16 of the CEC license is for the life of the project  
17 if the project has a contract with the State of  
18 California, and meets continuation criteria at the  
19 end of contract. Which it would meet the best  
20 available control technology and has permanent air  
21 emission offsets. It must comply with all Energy  
22 Commission conditions, site control, and the  
23 project is a permanent facility.

24 It would -- with no contract, the  
25 license is three years with the option to

1       recertify without -- with no contract. Let me re-  
2       emphasize that we are out there not only during  
3       the permitting, but the compliance monitoring  
4       during construction and operation. Continual  
5       compliance monitoring of these projects.

6               Next slide, please.

7               The Baldwin -- this was the proposed  
8       schedule. I believe it was the initial schedule,  
9       but based on the senator's request, I believe the  
10      timeline will be modified.

11              The application was deemed complete on  
12      the 24th of May. Comments are due on May 29th  
13      from agencies. I hope to have your public  
14      comments by the third. Staff Assessment is due  
15      June 7th, and then I believe we'll modify the  
16      Commission decision so that we can have another --

17              HEARING OFFICER BEHE: Jim, could you  
18      give the public some idea of what the Staff  
19      Assessment actually is?

20              MR. BARTRIDGE: Sure. What we do in the  
21      Staff Assessment is we look at major issue areas.  
22      We look at land use, biological impacts, health  
23      impacts. We look at air emissions, traffic and  
24      transportation issues, and we also look at, among  
25      other things, we look at visual impacts and what

1       it's -- what it's going to do to the project or  
2       the community.

3               Next slide, please.

4               The permit conditions. Commission  
5       decision conditions specify measures for  
6       construction, measures for operations, and assures  
7       compliance with -- with LORS, which in Energy  
8       Commission terminology that is Laws, Ordinances,  
9       Regulations and Standards.

10              Next slide, please.

11              Again, continual compliance monitoring.  
12       We have a compliance monitor who works to assure  
13       the project compliance, monitoring construction  
14       and operation, and assures that all laws,  
15       ordinances, regulations and standards are met  
16       through the project life.

17              And for -- next slide.

18              For more information, you can certainly  
19       contact me. My number is 916-651-8839. We also  
20       have a toll-free hotline, 888-871-9673. And you  
21       can also find out more information on the Energy  
22       Commission's Web site, at  
23       energy.ca.gov/sitingcases/peakers/indexhtml.

24              And again, I -- I've prepared some  
25       handouts here. I only have 50 copies. But they

1 are on the Web and available.

2 SPEAKER: And it may help if like major  
3 association, like a community group, if -- if  
4 there's -- I think there's Ladera, Baldwin,  
5 Baldwin Vista, maybe if a rep -- a rep from each  
6 organization makes sure that they have the handout  
7 that they can pass out to their membership, that  
8 might be helpful also.

9 PRESIDING MEMBER PERNELL: Okay. We --  
10 we will have -- if you will raise your hand we'll  
11 have the Public Advisor give you a copy. We want  
12 to continue.

13 And let me take this opportunity just to  
14 announce Jim is correct. Our schedule will be  
15 modified. The Staff Assessment will be June 7, as  
16 he said, which will cover everything from health  
17 issues to endangered species. Also, we'll have a  
18 notice out for a second meeting, as -- as Senator  
19 Murray has advocated for, and -- and also  
20 Assemblyman Wesson.

21 So we will have a second meeting on the  
22 week of June 11th. Everybody who has signed up  
23 will get a notice, and I can assure you we will  
24 have a larger room next time.

25 HEARING OFFICER BEHE: Thank you.

1           The next power point presentation we're  
2           going to have is by the Baldwin Hills -- I'm  
3           sorry, the Community Conservancy, Dave McNeil.

4           Before Mr. McNeil makes his  
5           presentation, Richard Rios, do you have a comment  
6           for the -- Assembly Wesson's office --  
7           Assemblyperson Wesson's office?

8           MR. RIOS: Thank you.

9           Mr. Commissioner and members of the  
10          public, I'll be brief because I know you do have a  
11          lengthy hearing ahead of you. But Assembly Member  
12          Wesson asked me to come here and just represent  
13          him in hearing from members of the public, and  
14          also here at this hearing.

15          We want to echo -- Assembly Member  
16          Wesson would like to echo many of the sentiments  
17          of Senator Murray, and send his regrets that he  
18          wasn't able to participate here in person, but  
19          thanks you, Mr. Commissioner, and your Staff, for  
20          being available throughout this week to meet with  
21          him and inform him of the very important issues  
22          that are before you with this project.

23          Assembly Member Wesson certainly is very  
24          sensitive to the state's need to generate more  
25          energy, but also questions the -- the fact, the

1 location of the -- proposed location of this power  
2 plant being in the direct vicinity of the Kenneth  
3 Hahn State Recreational Area, and also in the  
4 middle of a proposed conservancy area, none of  
5 which -- none of this information was included in  
6 the application for the siting of the power plant,  
7 Mr. Commissioner. We would like you to consider  
8 that with the other factors that you consider  
9 throughout this process.

10 I believe that -- that concludes my  
11 comments, sir.

12 HEARING OFFICER BEHE: Thank you, Mr.  
13 Rios.

14 And now we'll take the comments of Mr.  
15 Hinerfeld, with City Council Member Mike Feuer's  
16 office.

17 MR. HINERFELD: Thank you for the  
18 opportunity, Mr. Commissioner and Staff.

19 Councilman Feuer just wanted to urge the  
20 Commission to consider requiring this plant be re-  
21 sited to a location that will not have such an  
22 impact on the Ken Hahn Recreation Area, or on the  
23 1200 --

24 (Interruption from audience.)

25 MR. HINERFELD: I'm sorry. Right.

1 Councilman Feuer urges the Commission to require  
2 that this plant be re-sited to a location that  
3 won't have an impact on the Ken Hahn Recreation  
4 Area, or on the 1200 acre park to be created by  
5 the Baldwin Hills Conservancy.

6 He stands with Assemblyman Wesson,  
7 Senator Kevin Murray, Congressional candidate  
8 Diane Watson, and the diverse communities  
9 represented in this room, in raising these serious  
10 concerns about the site.

11 Councilman Feuer also urges the  
12 Commission to ensure a full, open, and fair public  
13 process. There are important social,  
14 environmental and economic issues that cannot be  
15 given short shrift here.

16 Tomorrow, Councilman Feuer will  
17 introduce a resolution in the Los Angeles City  
18 Council opposing the site, and calling on the city  
19 to work with the Applicant and other government  
20 agencies to find a more appropriate location that  
21 won't have adverse impacts.

22 (Applause.)

23 MR. HINERFELD: We both thank you for  
24 the opportunity, and appreciate the input.

25 PRESIDING MEMBER PERNELL: Thank you.

1 HEARING OFFICER BEHE: Thank you. We'll  
2 next take the presentation by the Community  
3 Conservancy, and next up after that will be the  
4 presentation by Baldwin Hills Conservancy.

5 Mr. McNeil.

6 MS. FELDMAN: I don't look too much like  
7 Mr. McNeil. I'm --

8 HEARING OFFICER BEHE: Oh, I'm sorry.

9 MS. FELDMAN: That's all right. I'm  
10 Esther Feldman, President of Community Conservancy  
11 International.

12 MR. MCNEIL: David McNeil, Public  
13 Affairs Director for Community Conservancy  
14 International.

15 MS. FELDMAN: Before we make our  
16 presentation I'd like to invite Senator Kevin  
17 Murray up here just for a few words, because a lot  
18 of our work is really his direct responsibility.

19 Certainly.

20 SENATOR MURRAY: Thank you. You guys  
21 can congratulate David McNeil, who is now going to  
22 be the Executive Director of the Baldwin --

23 (Applause.)

24 SENATOR MURRAY: Sorry I took your time  
25 to do that.

1 I wanted to respond to a couple of  
2 comments, because I did not really get to respond  
3 to the -- the Applicant's presentation.

4 Stocker Resources has not been a bad  
5 neighbor, and they have participated in this  
6 process. But clearly, at least from Assemblyman  
7 Wesson and my perspective, we certainly didn't get  
8 what we thought would've been proper notice on  
9 this application. It should be noted that the  
10 application was deemed complete the day before a  
11 holiday weekend, which affected the ability of  
12 people to be able to participate today. And with  
13 the response that we already have, you can be sure  
14 that there are others who didn't get the  
15 information in time.

16 A couple of things you should know. A  
17 peaker plant, for the most part, has -- and this  
18 is for the community, as well as for the  
19 Commission -- peaker plant usually gets approved  
20 for three years, but then that three years is  
21 conditional -- conditional upon them executing a  
22 contract with the state to buy power. And once  
23 they execute that contract, then they are  
24 automatically approved for 30 years.

25 The second thing --

1                   PRESIDING MEMBER PERNELL: That's not  
2                   totally correct.

3                   SENATOR MURRAY: That -- well, but  
4                   that's been generally what has happened. That is  
5                   not written in stone, but it is generally what has  
6                   happened. And that's my best case scenario on --  
7                   on what probably happens if, in fact, this goes  
8                   forward.

9                   The second thing is you should know,  
10                  Commissioner, that most of these people live in  
11                  Edison territory, which means they are not part of  
12                  Los Angeles DWP and they do not necessarily have  
13                  their electricity rates protected that way, and  
14                  they are not protected from blackouts. So this  
15                  power is sold to the grid. These folks get no  
16                  advantage, the way this is structured currently,  
17                  from this power.

18                  Now, you know, there are some who say,  
19                  you know, we're selling it to the grid to help the  
20                  entire state, and that's all great. But these are  
21                  the people that have to suffer whatever the  
22                  negative effects are. And at this point, with  
23                  them being part of -- of the Edison territory,  
24                  they do not get the benefits from having a power  
25                  plant in their back yard.

1                   In terms of construction and jobs and  
2           all that, certainly at this point we don't have  
3           any guarantees that those would be local hires.

4                   (Applause.)

5                   SENATOR MURRAY:   So I -- I just wanted  
6           to make sure that everyone understood that, that  
7           this is in a canyon right next to some -- some  
8           homes and schools.

9                   Secondly, I think the biggest question  
10          that should be asked here, and I'm not sure if the  
11          Applicants actually have the answer to that, but  
12          the biggest, obviously negative impact is air  
13          quality.  One of the lesser known impacts is the  
14          fact that this is a plant which requires ammonia  
15          to operate.  So somebody has to drive an ammonia  
16          truck through our community to this plant, and  
17          maybe that question can be answered in terms of --  
18          and in terms of the disposal of the output.  I  
19          know some of it's going to be injected back to --  
20          to help get oil out, but we -- we need to ask  
21          those specific questions, which is again one of  
22          the reasons why I'm glad that you accepted our  
23          request to have a second meeting so that we can  
24          ask some questions, get some answers, and then  
25          have another discussion with you.

1                   Again, I will get out of the way and let  
2                   the public do -- do their thing. But I -- I  
3                   really encourage for you to see, and for the  
4                   members of the public who have not seen the  
5                   presentation by Community Conservancy, because I  
6                   think they have created a world-class model for  
7                   recreation in our community.

8                   And without further ado, Community  
9                   Conservancy.

10                  PRESIDING MEMBER PERNELL: Thank you,  
11                  Senator.

12                  (Applause.)

13                  MS. FELDMAN: With your permission,  
14                  Commissioner, we're having our own little  
15                  technical difficulty. We've been asked to make  
16                  this presentation, but it's a fairly complex power  
17                  point, and we need to be able to use the mouse to  
18                  point to various things, and we've been told that  
19                  we're not able to do that. Is that all right, if  
20                  we sit and do that? Can we sit next to you and --  
21                  is that a yes?

22                  Is this on?

23                  SPEAKER: Yes, ma'am.

24                  MS. FELDMAN: All right. Thank you very  
25                  much.

1                   We're a non-profit organization. We  
2                   were formed specifically to protect natural lands  
3                   and waters, and to preserve local communities, and  
4                   we look for ways to combine those things so that  
5                   they create economic opportunities.

6                   The Baldwin Hills Park Project is  
7                   something we've worked on now for over three  
8                   years. It's been funded by a combination of both  
9                   private and public entities, and it's had  
10                  tremendous legislative support, as you've heard  
11                  about already this evening.

12                 We formed an 85-member Baldwin Hills  
13                 Park Advisory Committee, made up of a broad cross-  
14                 section of stakeholders around the area within a  
15                 five mile radius and more, homeowners, public  
16                 agencies, business organizations, seven of the  
17                 landowners in the area, Stocker Resources,  
18                 conservation groups, church leaders, law  
19                 enforcement leaders, and many elected officials.

20                 We also had a very expensive planning  
21                 team, including some world-class landscape  
22                 architects we think are the best in the country to  
23                 help us do this.

24                 Baldwin Hills Park Project is really  
25                 envisioned as a long-term project. We recognize

1       that there are oilfields here today, and that  
2       they'll be here for quite some time. But without  
3       a vision, you don't get anywhere. It took more  
4       than 30 years to build Central Park in New York,  
5       and certainly at least that long to build Golden  
6       Gate Park in San Francisco. This will be the  
7       largest urban park planned in this country in over  
8       100 years, bigger than both of those parks that I  
9       just mentioned.

10               MR. McNEIL: There are six major  
11       components that we focused on during the planning  
12       process, beginning with the community. Speaking  
13       to the community is the most important thing. We  
14       held a -- we formed a Baldwin Hills Advisory  
15       Committee, which featured landowners, as well as  
16       homeowners, Stocker Resources, as well as schools  
17       and churches. Public agencies we work with  
18       included the State of California, as well as local  
19       agencies.

20               An ecological assessment was conducted  
21       by the Natural History Museum of Los Angeles  
22       County Foundation, to do the biological resources  
23       in the Baldwin Hills that you saw outside.  
24       Mapping was very important, and we did state of  
25       the art technological mapping to secure our site

1       and technical analysis, to see exactly what's  
2       going on as far as the potential and the  
3       limitations that the site creates.

4               And lastly, we worked with Mia Lehrer  
5       and Associates and Hood Design to create a park  
6       plan that suits the needs of the people.

7               Community input, once again, was the  
8       most important thing. We held a series of  
9       workshops during this last year, 2000 and 2001.  
10       In the last series, completed in March, over 700  
11       participants were a part of the process. Eight  
12       workshops around the Baldwin Hills. We discussed  
13       all the needs and identified the priorities for  
14       the design for the park, and we looked at the  
15       design alternatives that were created.

16               During our outreach, comprehensively we  
17       worked with a number of people. We had over 200  
18       meetings with individual stakeholders, and we  
19       identified at least 50 schools with 30,000  
20       students in the area that will be affected by the  
21       park, as well as 30 homeowners' associations and  
22       55 -- well, actually 65 churches.

23               Some of the work results we got from our  
24       workshop was, after polling, was to find out what  
25       people needed. Culver -- cultural facilities were

1       very, very high, as well as active recreation.  
2       People want to see those facilities here. Natural  
3       open space activities topped the chart for  
4       walking, hiking, and jogging being a big priority,  
5       as well as picnics and tranquil open space.

6               Education was a major component. People  
7       wanted to see some sort of a science center inside  
8       of the park, as well. People wanted to see a park  
9       that had limited hours. They didn't want a 24-  
10      hour park. And they wanted to see a mixture of  
11      open space and developed recreation areas. They  
12      wanted to have a mixture. They didn't want to  
13      have it all developed. They didn't want to have  
14      it all natural.

15             The parking areas, people wanted to make  
16      sure there's offsite parking and a shuttle system  
17      throughout the park.

18             I mentioned some of the public agencies.  
19      You can see a number here from the California  
20      Department of Parks and Recreation, they've been  
21      very helpful, as well as the State Coastal  
22      Conservancy; California Department of  
23      Conservation; the California Highway Patrol; the  
24      Los Angeles County Sheriff's Department; County of  
25      Los Angeles; City of Inglewood; and City of Culver

1 City. You can see there was a lot of people we  
2 talked to to make this happen.

3 MS. FELDMAN: The Los Angeles County  
4 Natural History Museum conducted a year-long  
5 ecological assessment of plants and animals of the  
6 Baldwin Hills, had a team of eight scientists  
7 working to conduct this long project.

8 Next.

9 One of the things the looked at was the  
10 history of this area. In the Baldwin Hills, it's  
11 important to note are a remnant, really, of what  
12 was once a big network of swamps, freshwater, and  
13 tidal marshes. There's still some of that left at  
14 the Billona Wetlands downstream, Billona Creek,  
15 very similar to some of the land you see in the  
16 Palos Verdes peninsula.

17 By 1950, most of this area, as we now  
18 know, was consumed by agriculture and urban  
19 development, and Baldwin Hills has remained  
20 predominantly an open space condition, in part due  
21 to oil development that's occurred there. It's  
22 now somewhat of an island. You can see all the  
23 other protected areas around Los Angeles County  
24 are the green. Baldwin Hills really sits out  
25 there as one large -- last large swath, really, of

1 undeveloped open space anywhere in urban Los  
2 Angeles County.

3 Native plants and animals. What are  
4 those. Those are the -- plants that have been  
5 here since before European settlement. And the  
6 study discovered some pretty interesting things  
7 that we didn't know existed. Hundreds of  
8 different plants and animals that are native to  
9 this site, some of which are unique to southern  
10 California, over 72 different plants and hundreds  
11 of different species of animals and birds.

12 And one of the things that tells us is  
13 that although much of the Baldwin Hills has been  
14 seriously degraded by not only oil development but  
15 also roads and urban developments that have  
16 happened over time, there's still a lot that's  
17 left there that's healthy, and is worthy of being  
18 protected over time and reconnected.

19 Coastal sage scrub, not a very exciting  
20 name, but a group of plants that hang out together  
21 and are unique to southern California, and are  
22 home to many birds and other wildlife that can't  
23 exist anywhere else.

24 We've also got some grasslands and  
25 riparian woodlands, which means those kind of

1 plants that tend to occur where soil is wet or  
2 damp. Canyon bottoms, places like that.

3 Hundreds of insects. Yeah, most of us  
4 think they're pretty creepy crawly, but they're  
5 important. They pollinate flowers, they clear  
6 away decaying plants and animals, and they're a  
7 food source for other animals. Very important.

8 No poisonous snakes. I can reassure you  
9 of that, although there probably were some at one  
10 point. Still some reptiles and amphibians. And  
11 the frog, is really important to note, without  
12 frogs and toads still left in this area, they,  
13 like the canary in the mine, are the first to go  
14 when water and air get too polluted. We still  
15 have some left. We need to protect them.

16 Twenty-one native species of animals.  
17 Somebody said tonight yeah, they had one of these  
18 raccoons in their back yard the other night. Gray  
19 foxes are seen pretty regularly still in the  
20 Baldwin Hills.

21 And over 166 native species and -- of  
22 birds, including 41 that still regularly call this  
23 home enough to nest here.

24 So it's part of a big cycle, a natural  
25 cycle, and one that still goes on today despite

1       some of the interruption that has happened. And  
2       one of the things that's important to note is that  
3       the Natural History Museum scientists evaluated  
4       all of the land in the area, and they established  
5       criteria for what needs to be protected today  
6       that's still in pretty good shape. Those are the  
7       dark green areas. You can see some of the canyons  
8       above the existing Kenny Hahn Park right there,  
9       along LaBrea, above the Holy Cross Cemetery, and  
10      over above West LA College.

11               And then those areas, the lighter green  
12      with red arrows, that need to be reconnected so  
13      that wildlife can move freely back and forth and  
14      find the food they need, den sites, and mates so  
15      that they can continue to survive and the Baldwin  
16      Hills can be made a healthy place. Not just for  
17      plants and animals, but also because, as we all  
18      know, this is the only thing we've got within at  
19      least ten miles that's remotely like this; a place  
20      where we can bring children and really create an  
21      outdoor learning environment to bolster a math and  
22      science education in our schools.

23               MR. McNEIL: We did extensive mapping.  
24      It's very important to show people what the site  
25      looked like, the topography. Look at the

1 information on the demographics, who lives here,  
2 and the biology, as well as the land uses in the  
3 surrounding areas. I think we all know we are  
4 here, in Los Angeles County, the larger scheme.  
5 And the Baldwin Hills Park is accessible to over a  
6 million people in the immediate area, but you can  
7 see it's very centrally located, a perfect place  
8 for a park because it's accessible from all the  
9 freeways. This would truly be a centerpiece in --  
10 in the heart of urban Los Angeles.

11 This shaded relief map is very important  
12 to look at. We studied this extensively. The  
13 brown/orange areas are the highest areas in the  
14 park, and they are about over 400 to -- close to  
15 500 feet above the basin floor. These areas are  
16 very important, because, well, number one, you  
17 don't want to build too much on them because the  
18 soil is -- it erodes, and it's -- it's unstable,  
19 as far as that concern.

20 Number two, these are spectacular view  
21 spots, and I think you all know the views that you  
22 can see from these hills. And one of the views  
23 that we're concerned about is, well, you'd have a  
24 power plant right here. This is the center area,  
25 as well as the lower lands, which would be built

1 up for our design aspect.

2 The -- Baldwin Hills is a part of a  
3 greater watershed group, but this is the Billona  
4 Creek watershed. It's outlined in yellow. It is  
5 -- well, the water flows out to the Billona Creek  
6 and into the Pacific Ocean. The Baldwin Hills are  
7 located right here. Right now, they're the only  
8 last open space on the way to the -- the last open  
9 space on the way to the ocean on the Billona  
10 Creek, which is the second most polluted creek in  
11 the country, and it's very important to keep the  
12 Baldwin Hills in their natural state so we don't  
13 make it number one.

14 This is something we all need to pay  
15 attention to, because the open space park deficit  
16 is very important. It affects the quality of life  
17 of everyone who lives here. Total parks is 36 in  
18 the area. Total acres is 832. Guess what? Kenny  
19 Hahn is about 500 of that 832. This only adds up  
20 to one acre per 1,000 people. The national  
21 recommended standard is six acres, six to ten  
22 acres per 1,000 people. So we are living in a  
23 park deficit area that impacts our youth, it  
24 impacts our seniors, it impacts everyone in the  
25 area.

1                   One of the biggest resources that we all  
2           know about in the Baldwin Hills is the spectacular  
3           views as you look over Kenneth Hahn State  
4           Recreation Area, down from Blair Hills in towards  
5           downtown Los Angeles. We looked at the extensive  
6           mapping, finding where those areas were. The  
7           northern view from Vista Pacifica, the property  
8           that was just purchased by the state for \$51  
9           million. Point Dune and Santa Monica Bay are out  
10          there, as well as Santa Monica and San Diego  
11          mountains, along here, to the Hollywood sign.

12                   From the eastern view, which would be  
13          over by Kenneth Hahn, looking towards Baldwin  
14          Hills, downtown, to the San Gabriel Mountains,  
15          beautiful views, that you can find sometimes  
16          during the year.

17                   MS. FELDMAN: We conducted extensive  
18          technical and site analysis, had geographic  
19          information system, or GIS mapping, so that all of  
20          this is available in a digital fashion. We had a  
21          lot of these maps outside, some of you might have  
22          seen them today. So we looked at slopes -- and  
23          here we go, here are the slopes.

24                   The red areas are those that are over 20  
25          percent, and this is a very important part of our

1       analysis to look at where things should be sited.  
2       You know, we've heard from everybody of various  
3       things they wanted to see, and it was our job to  
4       try and figure out if and where those things could  
5       be accommodated.

6               And we looked at both the limitations  
7       and the potential of the site. And just sort for  
8       quick orientation, you've got La Cienega running  
9       down the middle. The Slawson Avenue there to the  
10      south. Rodeo up at the north. Jefferson  
11      Boulevard, and then LaBrea over on the far right  
12      of this diagram. So here's one of the things that  
13      we looked at to -- to help us decide what would be  
14      possible here in the future.

15             One of the first things was adjacent  
16      neighborhoods. What kind of park uses needed to  
17      be buffered from those neighborhoods so that there  
18      wouldn't be impacts. We looked at the needs of  
19      natural lands and plants and wildlife that depend  
20      on that kind of open space. And we looked at some  
21      of the roads and traffic noise, and the kind of  
22      issues that La Cienega presents, running right  
23      down the middle, between the east and the western  
24      ridge line.

25             Then we looked at the potential. Again,

1       on the other side of the coin, natural lands  
2       provided a -- a real potential for learning, for  
3       habitat restoration. We identified where those  
4       could be connected. We looked at ways to connect  
5       this park to other parts of the area around it.  
6       And this is very important, it's not just about  
7       the Baldwin Hills Park, but how you get there, and  
8       connecting to Culver City Park, to Billona Creek,  
9       which would then provide a trail system all the  
10      way out to the ocean and the 25-mile beach bike  
11      path, the only trail, I might add, anywhere within  
12      about 10 to 15 miles. As well as connections on  
13      the other side to -- Houston Park, and Jim Gilliam  
14      Park, and ultimately along Stocker Street. The  
15      effort's under way to create a trail along that --  
16      that road.

17               And the panoramic vista. You can't --  
18      you can't overstate this one really is an  
19      incredible place. The most spectacular views  
20      anywhere in Los Angeles, where you can see four  
21      different mountain ranges, the entire Santa Monica  
22      Bay, and on a good day, Catalina Island.

23               MR. McNEIL: This is the orientation  
24      map. Esther went through where the locations  
25      are, but some of the neighborhoods that surround

1       Blair Hills here on La Cienega Boulevard, Baldwin  
2       Vista right behind the park here, Baldwin Hills  
3       across all the -- over here. View Park over here  
4       by Five Points, the Stocker La Cienega over here  
5       meet Windsor Hills. And, of course, our friends,  
6       the Ladera Heights Culver crests at the top of the  
7       hill behind West LA College, and Culver City out  
8       here on the left-hand side.

9               With all that in mind, you have a look  
10       at the plan that we've created one big park for  
11       the Baldwin Hills. One of the big features of the  
12       big park is it unifies, there's a land bridge that  
13       unifies the park eastern and western ridges. It's  
14       a half-mile bridge that covers La Cienega  
15       Boulevard, so you'd be driving down La Cienega  
16       Boulevard here, you'd go under the bridge, which  
17       fills in this area here, and you'd come out here.

18              This bridge unifies the park, making it  
19       a spectacular, spectacular view. It's a corridor  
20       in the middle. As well as nature and open space.  
21       You can see the green here, the dark green areas  
22       are natural open space habitat. We have 15 miles  
23       of trails throughout the park, footpaths, and --  
24       and bicycle paths. And, of course, scenic vistas  
25       that are at the top of these ridges.

1                   Active and cultural facilities, this  
2           creates a lot of active recreation areas here in  
3           the -- in the green, and provides cultural  
4           community facilities, like a senior center, a  
5           youth center, and education and site visitor  
6           centers.

7                   MS. FELDMAN: So this is a breakdown of  
8           some of the key components. You can see the ridge  
9           lines on both sides -- this is the western ridge  
10          line, this is the eastern ridge line here -- are  
11          all areas that would be slated for natural lands,  
12          open space, protected habitat areas. From those  
13          spots you'd be able to see across the park and, of  
14          course, out and all the various views that we've  
15          just discussed.

16                   You can keep going.

17                   They're sort of hard to see in this  
18          lighting. I apologize. Just some pictorial  
19          renderings, if you will, representations of the  
20          various uses in natural areas and open space,  
21          which also includes things like gardens, walking  
22          areas, sculpture garden.

23                   Then a number of active recreation  
24          areas, and so essentially the whole -- where's my  
25          mouse -- there we go. This whole central area

1 along and over the land bridge will become the  
2 recreational and cultural facility site. So  
3 senior center, community center, recreation  
4 center. These are ball fields here. This is a  
5 much awaited golf course here, state of the art,  
6 environmentally sensitive. Swim lake, water  
7 features, amphitheater, cultural facility, visitor  
8 education, interpretative centers in this area.

9 Very important. We know that there's a  
10 trend, a shortage of parks and active recreation  
11 space for many, many miles around.

12 A number of different parking  
13 arrangements and entrances. Major entrance here,  
14 existing Kenny Hahn Park, going both directions.  
15 Also, at Stocker and Fairfax and a little bit to  
16 the north of -- here. As well as parking  
17 entrances for all the various trails at West LA  
18 College, at Five Points, at Culver City Park, and  
19 down below the Vista Pacifica property off  
20 Jefferson Boulevard.

21 Fifteen miles of footpaths and bicycle  
22 trails, separate footpath system. Those are the  
23 red lines, those of you who can see that. A  
24 bicycle trail's connecting from all these various  
25 roadways again, so you'd be able to come from any

1 place within ten -- five to ten miles in this  
2 area, ride or walk through the Baldwin Hills, out  
3 over Billona Creek, and out to the ocean.

4 Again, I know this is a little bit hard  
5 to see. The -- the final rendering of the Baldwin  
6 Hills Park plan, and, of course, our concern about  
7 -- the proposed power plant will be located right  
8 here, which would basically make it impossible to  
9 construct this particular vision, or plan.

10 Some artistic renderings, what the  
11 trails could look like. A view from the top of  
12 the Vista Pacifica property. Observation deck and  
13 visitor center, natural habitat. And here's the  
14 -- an aerial view of what the one big park would  
15 look like, looking out towards the Santa Monica  
16 Mountains, Rodeo's out here in the distance.

17 Baldwin Hills Park is a long-term  
18 vision, one that provides something for everyone,  
19 and that attempts to lay out a vision for how all  
20 of these pieces can be brought together over time  
21 so that we truly have a world-class amenity, a  
22 destination for many, many people, for many miles  
23 around.

24 (Applause.)

25 PRESIDING MEMBER PERNELL: I have a

1 couple of questions.

2 First of all, that was a very impressive  
3 plan. I hope to visit the park.

4 (Laughter.)

5 PRESIDING MEMBER PERNELL: Especially if  
6 it's --

7 MS. FELDMAN: We hope you do, too.

8 PRESIDING MEMBER PERNELL: So it -- it's  
9 very impressive.

10 A couple of questions. One of them is  
11 on all of your plants and animals, are any of  
12 those on the endangered species list?

13 MS. FELDMAN: No.

14 PRESIDING MEMBER PERNELL: Second  
15 question is, this is a long-range plan, and -- and  
16 do you think that the -- I understand it's two  
17 acre footprint for this plant. How would that  
18 affect your plan?

19 MS. FELDMAN: Well, the real problem is  
20 that once you put a power plant in the heart of  
21 what this plan envisions, you cannot get any money  
22 ever again, it's very difficult, from the public  
23 sector, certainly not from the private sector, and  
24 we've depended greatly on both to build the park,  
25 because nobody is going to take seriously that you

1       could put a park next to a power plant. And to be  
2       honest, the plan calls for not just the land  
3       bridge over La Cienega, which is immediately  
4       adjacent to the proposed site, but for some very  
5       significant recreational facilities that would be  
6       very high use and high volume. Nobody wants to  
7       bring their child or go themselves to play ball  
8       right next to a power plant.

9                       (Applause.)

10               MS. FELDMAN: So it's really a matter of  
11       this being the wrong place for this particular  
12       proposed use, because we would not be able to  
13       create this vision if that site were there.

14               PRESIDING MEMBER PERNELL: Okay. And I,  
15       again, I'm -- this is my first time viewing the  
16       site and your presentation, but when I went out  
17       there, all I've seen was oilfields, a -- a natural  
18       gas plant. Is -- will that affect the vision for  
19       the park?

20               MS. FELDMAN: Ultimately, oil is a  
21       finite resource, and we understand it'll be here  
22       for quite some time, heard from the earlier  
23       presentation, 20, 30 years, perhaps, at least.

24               Once a power plant is built, it doesn't  
25       go away. And there's not a place in the state

1       where we've been taking down power plants. And  
2       that's one of the greatest concerns, that once  
3       it's built, it becomes a permanent facility.

4               I would like to invite you on the park  
5       version of the tour, because there are some other  
6       things that you really ought to see to keep your  
7       perspective balance.

8               PRESIDING MEMBER PERNELL: I will  
9       certainly take you up on that.

10              (Applause.)

11              PRESIDING MEMBER PERNELL: That's --  
12       okay, I'm going -- I'm really trying to be as  
13       patient as possible with the -- with the response.

14              Let me just say that there's -- there's  
15       a bit of misinformation that seems to be getting  
16       out. First of all, these are peaker plants, and  
17       yes, they can be taken down. And it -- and it is  
18       up to the Energy Commission to determine what the  
19       extent of the license is, not the Applicant. So  
20       those things, we want to make -- we want to be  
21       clear that it -- this is not a done deal for 30  
22       years, and it'll never go away, or any of that.

23              It's -- it's -- but the other -- the  
24       other issue is to make sure that we get all of the  
25       facts out. And so what I'm trying to do here is

1 to be able to get the facts out so the community  
2 will know that peaker plants are not permanent, or  
3 any plant. I understand that the -- some of the  
4 facilities on the existing site are going to be  
5 gone whenever the oil dry up, whenever that is.

6 But, again, this is not something that's  
7 permanent and will never go away. I'm very  
8 impressed with the presentation. I think that you  
9 have done an excellent job in the -- the  
10 committee, the Conservancy, and your elected  
11 representatives, to have the type of interest in  
12 the park that you have.

13 So I would applaud you for that. But  
14 these -- these types of plants, because they are  
15 single cycle, they can be moved, they can be  
16 loaded up and -- and they can come down. And they  
17 are not -- they are not -- well, I'm -- ladies and  
18 gentlemen, I'm giving you the facts. When  
19 somebody stand up and say they're permitted for 30  
20 years, I've got to tell you that that's not  
21 correct. So I'm -- again, I'm not taking sides.  
22 This -- this is a factual hearing, and I want to  
23 get the facts out.

24 But again, I thank -- again, I thank you  
25 for your presentation.

1 MS. FELDMAN: Thank you very much, sir.

2 HEARING OFFICER BEHE: Thank you.

3 The next presentation is by Baldwin  
4 Hills Conservancy, Steve Treanor.

5 Mr. Treanor's coming forward, I'll note  
6 that I'm marking for the record a public hearing  
7 position statement by the Honorable Diane Watson,  
8 in opposition to the proposed power plant adjacent  
9 to the Kenneth Hahn State Recreation Area.

10 (Applause.)

11 HEARING OFFICER BEHE: In the interest  
12 of time, I won't read this in the record, but it  
13 will be docketed and part of the record in this  
14 proceeding.

15 Mr. Treanor.

16 MR. TREANOR: Thank you.

17 Again, my name is Steve Treanor. I'm  
18 the Chief of the Southern Division of the  
19 California Department of Parks and Recreation.  
20 And I want to share with you today -- obviously,  
21 you -- you've seen the plan for the -- the draft  
22 plans, at this point. But we, as an agency, and I  
23 think first of all I need to clarify that I'm here  
24 representing my agency, the California Department  
25 of Parks and Recreation, and although I am on the

1 Baldwin Hills Conservancy as an alternate from my  
2 director, my representation today is for my  
3 agency.

4 I -- I must point out, however, that the  
5 Baldwin Hills Conservancy has not met since this  
6 plan was released, and they are meeting tomorrow.  
7 And it would be very important that timelines  
8 would allow for comment, if the -- the Conservancy  
9 chooses to do so, after that meeting, which is  
10 tomorrow. But again, the Conservancy has not met  
11 since this was released as a plan.

12 PRESIDING MEMBER PERNELL: I think you  
13 will have an opportunity for -- for comments from  
14 the Conservancy.

15 MR. TREANOR: Great. As an agency we  
16 have significant interest in the area around  
17 Baldwin Hills. Last year the people of California  
18 voted a bond issue, \$2.1 billion, a record bond  
19 issue, and this was made possible in large part  
20 through the community surrounding Baldwin Hills  
21 and the Los Angeles, greater Los Angeles area.  
22 And it's been widely recognized by our agency that  
23 there is a serious, serious deficiency of parks  
24 and recreation lands around the greater Los  
25 Angeles area.

1                   Our agency has been charged by the  
2           Governor with creating new parks and park programs  
3           for the people of Los Angeles. And it's very  
4           important to us, and the Baldwin Hills is one of  
5           our most important sites, and I believe the  
6           presentation shows you why that's so important to  
7           us.

8                   We have -- we've had a long term and  
9           successful partnership with the County of Los  
10          Angeles, in acquisition, development, and  
11          operation of the Kenneth Hahn State Recreation  
12          Area. We've recently purchased the additional  
13          lands, \$51 million for expanding the park, and we  
14          estimate that we've spent well over \$100 million  
15          of public funds when you consider the development  
16          and purchase of Kenneth Hahn and our new  
17          acquisition over the years towards this public  
18          parkland in the area. But it's only a small  
19          portion of what needs to be done. We've engaged  
20          and supported the public process for getting  
21          information, and we -- we view this area as very  
22          important.

23                  Our concerns are concerns we'd have  
24          about any park, that any additional industrial  
25          development may impact the values of that park.

1       We will, in fact -- we are, in fact, looking at  
2       this. Our agency is currently considering the  
3       project as described, and we are in the process of  
4       providing written comments. And we will have them  
5       for you in very short order.

6               But we think it's important for you to  
7       know how important this is to our agency, in our  
8       mission and our charge in providing parks and  
9       recreation activities in the Los Angeles area.

10              Thank you.

11              PRESIDING MEMBER PERNELL: Thank you.

12              HEARING OFFICER BEHE: Thank you, Mr.  
13       Treanor.

14              (Applause.)

15              HEARING OFFICER BEHE: And we're not  
16       taking a break yet, but we see it on the horizon.  
17       Let us first have a comment from the South Coast  
18       Air Quality Management District. Mr. Stoddard or  
19       Mr. Yee. I'm sorry, Ms. Yee.

20              MS. MUELLER: Hi. My name is Pang  
21       Mueller, and that's spelled P-a-n-g, and M-u-e-l-  
22       l-e-r. I'm the manager in charge of permitting  
23       and compliance for power plants and refineries for  
24       the South Coast Air Quality Management District.  
25       I'm speaking on behalf of Mr. Yee and Stoddard.

1           I would like to just briefly summarize  
2           the agency role on the permitting of this specific  
3           power plant. As far as the specific project is  
4           concerned, the South Coast Air Quality Management  
5           District has received information sufficient to  
6           begin analyzing information for permitting process  
7           as of May 18.

8           We are still in the process of  
9           exchanging information with Applicants and will  
10          not be able to comment on the specific details of  
11          the information at this time. But I'd like to  
12          describe a brief process of our permitting  
13          process.

14          Basically, our agency have an authority  
15          to issue permits to any project within our  
16          jurisdiction that may emit air pollutants. This  
17          authority is derived from the state law, as well  
18          as federal law. The process under the state law  
19          is combined with the certification process by the  
20          California Energy Commission. However, under  
21          federal law, we were delegated by EPA to also  
22          issue Title 5 operating permit for this particular  
23          facility. And under that process, the District  
24          will be involved in the analysis, issuance of the  
25          Title 5 permit, and that will also involve public

1 participation, as well. And that will be --  
2 involve a 30-day public notice period. People  
3 that have put their name in the mailing list with  
4 CEC today will also receive notices from the South  
5 Coast District regarding the Title 5 permit for  
6 this facility, as well.

7 Okay. As far as our permitting process  
8 is concerned, before we can issue permits to power  
9 plants, we look to make sure that the power plant  
10 comply with all the air quality rules and  
11 regulations, including federal laws. The  
12 permitting process mainly involved with the new  
13 power plant siting is the new source review  
14 process.

15 As was mentioned by the project  
16 Applicant, we look to see that the project  
17 proposed have the best available control  
18 technology; any emissions that would be emitted  
19 from the facility would be totally offset; and  
20 that we would perform modeling analysis to ensure  
21 that any increase in emissions will not have  
22 significant impact to the local community.

23 We will be performing those analyses and  
24 will consider public comments during the 30-day  
25 process.

1 I understand that the project as  
2 proposed, the equipment that will be used to  
3 generate electricity may arrive earlier than the  
4 air pollution control equipment, and we need to  
5 work with the Applicant to also -- yeah.

6 SPEAKER: Go ahead.

7 MS. MUELLER: Okay. To -- to also work  
8 through this particular issues, as well.

9 And -- and that concludes my comments.

10 HEARING OFFICER BEHE: Thank you, Ms.  
11 Mueller.

12 We're now going to --

13 PRESIDING MEMBER PERNELL: I have a  
14 quick question. I'm sorry.

15 The Title 5 that you were talking about,  
16 that will be a public meeting, and the community  
17 will have an opportunity to express their  
18 concerns?

19 MS. MUELLER: No. Typically, we do not  
20 hold a public meeting on that. What we do is send  
21 out public notification. We advertise in the  
22 newspaper of general circulation. Where there are  
23 specific mailing lists of interest parties, we  
24 will also do direct mailings to them. The public  
25 have an ability under that process to request a

1 public hearing. If a public hearing is requested,  
2 the South Coast will then hold a public hearing.

3 PRESIDING MEMBER PERNELL: Thank you.

4 MS. MUELLER: Thank you.

5 HEARING OFFICER BEHE: Now, Tom will  
6 again briefly describe these blue cards, or their  
7 xeroxed equivalent, the white cards, which is your  
8 mechanism to speak to us. And we are here to hear  
9 your comments, so please stay with us.

10 Tom.

11 MR. CLEARY: Good evening. My name is  
12 Tom Cleary, and today I am representing Roberta  
13 Mendonca, who is the Energy Commission's Public  
14 Advisor. I'm part of a team that's been  
15 especially assembled to assist the public in  
16 understanding the emergency siting power plant  
17 process.

18 Our role is to assist the public in  
19 understanding the Commission's siting process and  
20 assist members of the public who want to  
21 participate in that process. We can be reached at  
22 a toll free telephone number, 1-800-273-4459.  
23 Once again, 1-800-273-4459. Or by e-mail, at  
24 pao@energy.state.ca.us. Once again,  
25 pao@energy.state.ca.us.

1                   You, as members of the public, have an  
2                   absolute right to participate and comment in the  
3                   proposed La Jolla Baldwin Power Project. The  
4                   Energy Commission encourages public participation,  
5                   and welcomes all type of community input.  
6                   Hopefully, many people will want to offer their  
7                   opinions and comments on this proposed project.  
8                   These opinions and comments will form an important  
9                   source of information as the Energy Commission  
10                  Staff performs their independent analysis of the  
11                  proposal.

12                  To make sure that your public comments  
13                  are considered, we need you to respond to what you  
14                  hear and learn this evening, very quickly. In  
15                  other words, your comments are very important.

16                  Today, I've provided materials that  
17                  briefly describe the project and how to contact  
18                  our office. These materials, or what are left of  
19                  them, are in the lobby on the -- the table. A  
20                  copy of the Application for Certification is  
21                  available through the Internet. Also, other  
22                  project information is also available at  
23                  [www.energy.ca.gov/sitingcases/peakers/index.html](http://www.energy.ca.gov/sitingcases/peakers/index.html).  
24                  That's a lot. Flag me down, I'll be happy to show  
25                  it to you so you can write it down.

1                   The fastest way to get any future public  
2 mailings about the project is to enter an e-mail  
3 address at the Commission's Web site, so you can  
4 be on the list server.

5                   I still have one more topic. We also  
6 have the telephone number and Web site on this  
7 sheet, which I will again make available.

8                   The blue cards. It's my responsibility  
9 to help the members of the public who want to have  
10 -- want to offer comments this evening. For those  
11 of you who have the blue cards, or the pale  
12 version, we have been circulating them, and trying  
13 to collect them. I have -- my assistants and I  
14 here, Danny Smith -- Danny, where are you -- wave.  
15 Right over there. Dan or I will be walking around  
16 collecting those cards, and answering the  
17 questions that you may have. If not, we will try  
18 to get answers for you as soon as possible.

19                  Thank you very much, and we look forward  
20 to serving you this evening.

21                  HEARING OFFICER BEHE: We're going to  
22 take the fastest break possible, five minutes, and  
23 come back then and tell us what you think.

24                  Thank you.

25                  (Thereupon a recess was taken.)

1                   PRESIDING MEMBER PERNELL:    May I have  
2                   your attention, please.  We're going to get  
3                   started.

4                   HEARING OFFICER BEHE:  We have some  
5                   questions of the Applicant by Commissioner  
6                   Pernell, and then we're going to statements of  
7                   people in the audience.

8                   Commissioner.

9                   PRESIDING MEMBER PERNELL:  Thank you.

10                  SPEAKER:  Yes, please.

11                  PRESIDING MEMBER PERNELL:  I wanted to  
12                  start out by asking a couple of questions and do  
13                  some follow-up on some of the testimony and  
14                  presentations that we've received this evening.

15                  The first one is the height of your  
16                  stacks.  And this is a follow-up of Senator  
17                  Murray's question about the proposed project being  
18                  down in a valley, so to speak, and you got homes  
19                  up on the hill.  So I'm -- the question is  
20                  centered around the height of the stacks and, you  
21                  know, what's coming out of them, and --

22                  MR. WILBURN:  Right.  They were referred  
23                  to as smokestacks.  First, though, our -- they are  
24                  not smokestacks.  They are exhaust gases that will  
25                  be coming out of those, which have --

1 (Audience noise interruption.)

2 HEARING OFFICER BEHE: Ladies and --

3 PRESIDING MEMBER PERNELL: Okay.

4 MR. WILBURN: I would -- I would not  
5 misrepresent one word, sir.

6 HEARING OFFICER BEHE: Ladies and  
7 gentlemen, let us accord the Applicant the  
8 courtesy you yourself would like to have.

9 Sir.

10 MR. WILBURN: As I said, they were  
11 referred to as smokestacks. These -- these are  
12 natural gas plants. There's no smoke emitted from  
13 -- from those stacks.

14 The stack height, sir, is 70 --  
15 approximately 70 feet. There are existing  
16 structures there much higher than that, 75 to 90  
17 feet.

18 PRESIDING MEMBER PERNELL: And -- and so  
19 they will have some emissions coming from those  
20 stacks.

21 MR. WILBURN: Yes. There will be  
22 emissions. All of those will be fully offset. We  
23 also have voluntarily complied with a 2.5 parts  
24 per million nitrous oxide, where everybody else in  
25 the -- in that particular area, South Coast Air

1       Quality Management District is meeting 5 parts per  
2       million. It's because of our superior technology.

3               PRESIDING MEMBER PERNELL: And it was  
4       also mentioned about some hazardous material. Can  
5       you describe your plan for the ammonia that will  
6       be on the site?

7               MR. WILBURN: Yes. It's going to be  
8       stored in double-walled tanks that are leakproof.  
9       We have containment in addition to that, and it's  
10      all in compliance with the various state, federal,  
11      local ordinances. And I'd like to have Steve  
12      Rusch address that more fully, because they  
13      operate with hazardous materials there currently.

14              MR. RUSCH: We are not using anhydrous  
15      ammonia, which is typically brought in in trucks  
16      and is a acutely toxic material. We're actually  
17      using 19 percent, what they call aqueous ammonia.  
18      Basically, ammonia entrained in water, which is  
19      not even a RCRA waste. So that's how we're  
20      complying with the local regulations. And also,  
21      with the 5 parts per million ammonia slip and --  
22      on the air permit. So we're in full compliance.

23              PRESIDING MEMBER PERNELL: Now, you  
24      mentioned the tank. Will that be enclosed by some  
25      type of block wall, or is the tank open?

1                   MR. WILBURN:  There'll -- there'll be a  
2                   spill containment, and it has a pressurized  
3                   pressure relief valve.

4                   MR. RUSCH:  It's a totally enclosed  
5                   tank.

6                   PRESIDING MEMBER PERNELL:  Okay.  And I  
7                   understand that there's going to be some  
8                   freshwater use on the facility.

9                   MR. WILBURN:  Right.  About 300 to 340  
10                  gallons per minute, which comes from the local  
11                  water district.

12                 PRESIDING MEMBER PERNELL:  Do you have a  
13                  contract with them?

14                 MR. WILBURN:  We have a letter to serve,  
15                  yes.

16                 PRESIDING MEMBER PERNELL:  And another  
17                  question that came up was about the local hires,  
18                  whether or not -- the question basically that I'm  
19                  hearing is will the community benefit from this.  
20                  We know that the -- the microns or electrons --  
21                  electrons are going to the grid, and theoretically  
22                  everybody benefits.  But is there anything that  
23                  you can point to, first of all, on the local  
24                  hires, or any type of mitigation that can assure  
25                  the community that they will benefit from this

1 project?

2 MR. WILBURN: Well, first of all, my  
3 company track record in the existing power plants  
4 that we have online in the state is we do hire all  
5 of our people locally. There are a few trained  
6 technicians that may or may not be available in  
7 the local community, but it is our goal to do so.  
8 These plants are going to be constructed using  
9 union labor, and they will be hiring out of the  
10 local hall. We're using a union contractor.

11 PRESIDING MEMBER PERNELL: And -- and  
12 the -- the footprint of the facility?

13 MR. WILBURN: Is approximately two  
14 acres.

15 PRESIDING MEMBER PERNELL: And one final  
16 question, then, and then I have a good friend I  
17 want to recognize. And that is, have you reached  
18 out to any of the community leaders? We have a  
19 number of homeowner associations. You have stated  
20 that you're -- you want to be a good corporate  
21 neighbor, and -- and I have no reason to doubt  
22 that. And because of our process, the 21-day  
23 process, people haven't had an opportunity to  
24 interact with you or your company.

25 So do you plan to, or are you amenable

1 to reaching out to the community and some of the  
2 community leaders, and listening to some of their  
3 concerns?

4 MR. WILBURN: Absolutely. As I said  
5 earlier, and I've already met a number of the  
6 people in the room and tried to introduce myself.  
7 There's quite a few of them. But again, this is  
8 an open process. We want to hear their concerns.  
9 We also agree with the long-term range plans for  
10 the park. You know, this is consistent with --  
11 with our view, as well.

12 I think we have a lot of things to  
13 share, and I think that the benefits that we could  
14 have by working together would make this a long-  
15 range plan and could solidify it, rather than be  
16 detriment to it. And it's my commitment -- I'm  
17 sorry to keep my back to you all this whole time,  
18 but -- I've already laid out to a number of the  
19 people here -- if you have a homeowners'  
20 association, if you have groups, if you would like  
21 to invite us to make presentations to those  
22 groups, we'd be happy to do that.

23 PRESIDING MEMBER PERNELL: Okay. Thank  
24 you. But don't go away, because we might have  
25 other questions from some of the people in the --

1 in the audience.

2 MR. WILBURN: I'll be here for the --  
3 for the duration.

4 PRESIDING MEMBER PERNELL: Thank you.

5 And at this time, I would like to  
6 introduce a friend of mine, Ambassador Diane  
7 Watson. She's -- she was --

8 (Applause.)

9 PRESIDING MEMBER PERNELL: And for this  
10 one, we can applaud.

11 (Applause.)

12 PRESIDING MEMBER PERNELL: Let me just  
13 tell you, when I was a young pup, I guess, going  
14 up to the Capitol, Senator Watson was very  
15 accommodating, and, you know, it's always kind of  
16 intimidating when you go up and you're in a new  
17 building, and it's -- and it's professional. But  
18 I've got to say that Senator Watson made me feel  
19 welcome. And I appreciate that, Senator, and  
20 thank you for being here this evening.

21 SENATOR WATSON: Thank you so much, Mr.  
22 Chair and the Hearing Panel, and neighbors,  
23 friends, and residents of the Baldwin Hills area  
24 and the people of Culver City.

25 Thank you for giving us this

1        opportunity. I come as a resident of the Baldwin  
2        Hills area since 1970. I have lived there, I have  
3        enjoyed being in the area. Back in about 1979 to  
4        1980, I began carrying the legislation to acquire  
5        property in the Baldwin Hills area. We had a  
6        master plan, how we would develop the oilfields  
7        after the rigging had stopped. Our plan never  
8        included power plant. It was to be a place for  
9        children, families, and seniors to go and  
10        recreate. It would be a place for people to go  
11        and enjoy that lake that is there, named after  
12        Gwen Moore, who carried the bill each year in the  
13        Assembly.

14                It was to be a regional park. I carried  
15        the legislation to name that park after Kenny  
16        Hahn, because that was his dream, to have a park  
17        where people from the entire region could come and  
18        enjoy. It was in that community that we had very  
19        few places that we could go and enjoy. People can  
20        go and fish there. We tried to build a museum to  
21        -- and they said the ground was not stable enough  
22        to do that. And so we understood the geological  
23        features that prohibited us from even to build a  
24        museum there.

25                I also understand the issues that need

1 to be mitigated. I also understand that there's  
2 going to be a 70 -- 70 foot high -- and I'm going  
3 to turn it around -- oh, I'm sorry. Would you  
4 hold this for me. Sorry.

5 PRESIDING MEMBER PERNELL: That's all  
6 right.

7 SENATOR WATSON: A 70 foot high stack,  
8 and out of that will be spewed toxic fumes. There  
9 are homes that surround it, and the people will  
10 have to breathe in those fumes. Gwen Moore saw  
11 that that lake was planted with fish so people  
12 could come there and fish. We saw that that soil  
13 was cleaned up so children could come and play in  
14 the grass. But most of all, we wanted people to  
15 have a place that they could enjoy. We wanted all  
16 of the natural resources that we had to bring in  
17 man-made to be there. But there are still plants  
18 and animals and creatures that enjoy that space.

19 Parks are for people, not for power  
20 plants.

21 (Applause.)

22 SENATOR WATSON: And as I go to  
23 Congress, I will be leaving -- leading a movement  
24 to be sure that we have a national position on  
25 energy. And also, that we find places that we can

1       have alternative energy developed. And I think it  
2       would be beautiful in that park to have windmills  
3       painted all different pastel colors --

4                       (Applause.)

5               SENATOR WATSON: -- so when they spun  
6       around they could look like flowers and  
7       butterflies. There are alternative sources. We  
8       don't need a power plant there.

9               Thank you very much.

10              PRESIDING MEMBER PERNELL: Thank you.

11                       (Applause.)

12              HEARING OFFICER BEHE: Thank you,  
13       Senator.

14              Our first member of the audience  
15       speaking tonight is Tony Nicholas. Mr. Nicholas.

16                       (Applause.)

17              PRESIDING MEMBER PERNELL: Mr. Nicholas,  
18       before you start, let me just say, because we have  
19       so many speakers, we would appreciate that -- we  
20       don't want to set a firm limit, but certainly we  
21       want to be appreciative to everybody here who  
22       wants to speak. So please, if someone has said  
23       something and you don't want to be redundant, just  
24       say I agree with that gentleman over there, or  
25       that madam over there. And we will get through

1       this. We will sit here until we hear from  
2       everybody who want to speak.

3               MR. NICHOLAS: All right. Thank you. I  
4       appreciate that.

5               My name is Tony Nicholas. I'm the  
6       president of the United Homeowners Association.  
7       We have a membership of over 5500 homes in the  
8       district. We are a part of a coalition of other  
9       homeowners' groups that have come together in  
10      opposition to this application. The total is more  
11      than 12,000 homes in this district.

12              We are very concerned about this  
13      applicant's application, as far as putting a power  
14      plant next to Kenneth Hahn Park. And I want to  
15      make something perfectly clear, that, you know,  
16      this is not a NIMBY issue. It's not, you know,  
17      not in my back yard. No. Not at all. What we're  
18      saying is not in the middle of our park.

19              Now, I became very troubled in listening  
20      to the information that we've received here this  
21      evening, the fact that the Governor has waived any  
22      kind of environmental impact research to be done  
23      on this. You know, we have heard the fact that  
24      there are going to be 70 foot towers and there's  
25      going to be gas. There's something else too, that

1       has not been mentioned this evening. They have  
2       been drilling there for a number of years, and  
3       that means that the oil is coming out, it has a  
4       cavern underneath there, under the ground.

5               It is also on an earthquake fault. If  
6       we have a big earthquake, what's going to happen  
7       to that power plant? It's going to go up.

8               Now, the other thing, too, has been  
9       mentioned, the fact that the -- that Stocker  
10      Resources are good neighbors. Well, let me tell  
11      you what a good neighbor is. You know, when I --  
12      I built a swimming pool in my back yard of my  
13      home. But before I built it, I told my neighbors  
14      that I was going to build it. Because they had to  
15      come in and build, I knew it was going to be  
16      disruptive. Stocker Resource didn't come to --  
17      didn't come to the community. Stocker Resources  
18      did not even come to our elected officials. We  
19      found out about this all last week. I called Herb  
20      Wesson's office and they knew nothing about this.  
21      Called Senator Murray's office. He knew nothing.

22              This is on a fast track. The way they  
23      have submitted this application just before a  
24      holiday, you know. But, hey, guess what, we know  
25      how to organize.

1 (Applause.)

2 MR. NICHOLAS: And if they'd given us a  
3 little bit more time, trust me. You would've  
4 needed the Coliseum for this hearing tonight.

5 (Applause.)

6 MR. NICHOLAS: I would like to say that  
7 we have a letter to present to the Chairman of the  
8 Energy Commission, that we would like to present  
9 to you tonight. It is signed by all the  
10 homeowners' groups. And they -- and we have this  
11 letter here. Steve Leon, from Ladera, who is  
12 going to be addressing you, we would like to  
13 present this letter to you so you can present it  
14 to your Chairman.

15 PRESIDING MEMBER PERNELL: We will make  
16 this part of the record.

17 MR. NICHOLAS: Thank you very much. And  
18 I'll be very brief, in closing.

19 I just want you to be thankful, now.  
20 You know, sane minds have to prevail on this thing  
21 here. We have to look at the fact that they want  
22 to build this power plant in the middle of a park,  
23 where people, where children are going to play  
24 soccer, where families are going to go picnicking,  
25 where people are going to go fishing. And, yes,

1        hopefully we'll have a golf course there to go  
2        golfing.

3                    You know, they wouldn't -- we wouldn't  
4        -- can you imagine having a power plant in the  
5        middle of Central Park? Can you imagine having a  
6        power plant anywhere near Golden Gate Park? No.  
7        I don't think so. That would never happen. Don't  
8        do this to us.

9                    I would like to say, in closing, that  
10       this district here is the most heavily democratic  
11       district in the State of California. We want to  
12       send this message to Governor Davis. Remember, we  
13       vote.

14                   (Applause.)

15                   PRESIDING MEMBER PERNELL: Thank you.

16                   HEARING OFFICER BEHE: Thank you, Mr.  
17       Nicholas.

18                   Mr. Steve Leon.

19                   PRESIDING MEMBER PERNELL: While Steve  
20       is coming up, again -- come up, Steve -- let me  
21       just say for the record, because I have to -- I  
22       have to -- we're about facts here tonight. The  
23       Governor has not suspended all environmental  
24       review. Instead, we have Staff doing  
25       environmental review. We're looking at health

1 effect. We're looking at whether you have any  
2 species there, so the environmental review process  
3 has not been suspended.

4 So I -- I just want to make that clear.  
5 This is the expedited process. I'm sorry I'm not  
6 pointing to you on this, but this is the expedited  
7 process, but we are -- we are concerned about the  
8 health and safety of Californians, period.

9 So those -- all of those regulations are  
10 not suspended. If you know anything about CEQA,  
11 it is a long, drawn-out process. This is a 21-day  
12 process. So I just wanted to --

13 (Comment from the audience.)

14 PRESIDING MEMBER PERNELL: CEQA does  
15 have public review, and we are having public  
16 review now.

17 (Comments from the audience.)

18 PRESIDING MEMBER PERNELL: Well, okay.  
19 I won't debate that. All I want to say is, for  
20 the record, that all of the environmental review  
21 hasn't been suspended by the Governor.

22 Yes, sir.

23 MR. LEON: Okay. For the record, for  
24 the public, there are copies. I made a hundred of  
25 these. These are copies of the letter to be

1       presented to the Commission, and I will leave them  
2       up here for you to pick up.

3               My name is Steve Leon. I'm secretary of  
4       the Ladera Heights Civic Association, which  
5       represents the residents of nearly 4,000 homes to  
6       the immediate south of the site of the proposed  
7       power plant. And for the record, if I look out my  
8       back window, I can see the processing facility at  
9       the oilfield, where the power plant would be  
10      built.

11             I would like to quickly address the  
12      representatives of Stocker Resources. We are  
13      neighbors. My back fence is your property line.  
14      I want to thank you for being a good neighbor,  
15      both responsive and responsible. I lean over the  
16      fence tonight to speak honestly.

17             On this issue, Stocker is wrong. I ask  
18      you to do the right thing in the face of universal  
19      opposition from every one of your neighbors.  
20      Please withdraw your application. Throw out any  
21      plans to build a power plant. Instead, work with  
22      us. Help turn the oilfields quickly into the  
23      largest, desperately needed urban park to be built  
24      in the United States in more than 100 years.  
25      Create a legacy, not a horror.

1                   To the CEC, I say this as Ladera's  
2           representatives -- representative, sorry. An  
3           emergency, however real or false, and an emergency  
4           order that permits fast track approvals, does not  
5           annul your profound legal, political, civic and  
6           moral responsibilities to answer to the  
7           communities that appear before you tonight. We  
8           all ask, Ladera included, that you vote to deny  
9           the applicant's request for certification.

10                   Yes, we need power. Yes, we need power  
11          plants. But we do not need power plant at all  
12          costs, damn the torpedoes, full speed ahead, when  
13          the alternative vision for this site is a world-  
14          class park, an alternative that is of equal  
15          importance and emergency for us.

16                   That's it. Thanks.

17                   (Applause.)

18                   PRESIDING MEMBER PERNELL: Thank you.

19                   HEARING OFFICER BEHE: The next person  
20          with comments is Lisa Baker, and Ms. Baker's card  
21          included a question which we'll direct to the  
22          Applicant. Why was this site chosen, and did  
23          anyone have any regards for the surrounding  
24          residents or hundreds of thousands of people who  
25          travel through this area every day.

1 Ms. Baker, and sir.

2 MR. WILBURN: The answer to that  
3 question is yes, we have extreme regard for all of  
4 the concerns that are raised there. Those are  
5 being addressed in the environmental review  
6 process and the public comment process that's  
7 going on here tonight. And we're still getting  
8 those suggestions, as -- as we go.

9 But also, reality, this site was  
10 screened by the California Energy Commission  
11 Staff, and we participated in that open dialogue  
12 with them to identify sites, as a developer with  
13 much needed equipment that could answer the call  
14 that the Governor put out to have a plant online  
15 by September 30th, while complying with all  
16 existing environmental federal and state  
17 regulation.

18 We are not bypassing one regulation.  
19 Just, I want to make that clear. And we have not  
20 been at this 21 days. I've been at it, and my  
21 staff have been at it non-stop since the Governor  
22 announced the program.

23 HEARING OFFICER BEHE: Ms. Baker, did  
24 you have any further comment?

25 (Comment from the audience.)

1 HEARING OFFICER BEHE: Ms. Baker's first  
2 question was why was this site chosen.

3 MR. WILBURN: This particular site was  
4 chosen by me after discussion with the California  
5 Energy Commission. This was on a selected, pre-  
6 screened site list that's on the California Energy  
7 Commission's Web site. I spoke to the manager of  
8 engineering at the California Energy Commission  
9 about this site and other sites, and I became  
10 convinced, after visiting the site, taking a look  
11 at the oilfield operation, knowing that they were  
12 going to be in existence for at least 25 to 30  
13 years, that this was a plant that -- plant that  
14 would be consistent with that particular use  
15 during that time period.

16 And now I'm aware of the plans that  
17 we've been discussing here tonight. I think those  
18 are good plans. But also, the key emphasis, those  
19 are long-term plans. I think our plant -- what's  
20 properly defined and discussed with you, that's --  
21 what you've shown up here, that's not my plant.  
22 Those smokestacks that were shown up here and  
23 proudly paraded around, I'm not -- I wouldn't be  
24 proud of anything like that. I wouldn't permit  
25 anything like that. It didn't have anything to do

1 with my company. That's not what my plant looks  
2 like.

3 And I take offense --

4 (Comments from the audience.)

5 MR. WILBURN: I understand that. And we  
6 -- we've -- excuse me. We're going to be coming  
7 to your community and we're going to answer those  
8 questions. So the reason, to address your  
9 question specifically. I personally selected that  
10 site for my company, which Stockers volunteered  
11 when the Governor asked for sites, they stepped up  
12 and said these are some sites that we have, that  
13 we'd like to make available to handle this  
14 emergency.

15 We, as a private company, stepped up to  
16 answer this emergency. And that's what we're  
17 doing.

18 (Question from the audience.)

19 HEARING OFFICER BEHE: Ma'am, could you  
20 come up to the microphone for your public comment.  
21 And for everyone who will be speaking, please come  
22 up to the microphone so that everyone may hear  
23 your comments.

24 MS. BAKER: A couple of things, and I'll  
25 try to make it brief. I find it very hard to

1 believe that they came out and inspected that site  
2 and the surrounding area, and -- that particular  
3 site where the oilfields are, and found that would  
4 be an efficient use of space.

5 Also, I'd like to know what are the  
6 other sites that they've looked at?

7 HEARING OFFICER BEHE: I believe I can  
8 direct that question to Staff. Mr. Bartridge,  
9 could you answer that, or Mr. Johnson?

10 MR. JOHNSON: Roger Johnson, Energy  
11 Commission.

12 On our Web page we have a -- a list of  
13 sites that the Staff reviewed around the state,  
14 that we believe have 95 percent probability of  
15 being able to be permitted in a 21-day process.  
16 So this was one of the sites that identified after  
17 it was offered up by the Stocker people. We had  
18 people go out and look at the site and review it.

19 That report is on the Web page, and all  
20 the other sites are identified there.

21 MS. BAKER: Also, on that Web page, is  
22 it a list of criteria that you go through to  
23 determine that --

24 MR. JOHNSON: Yes --

25 MS. BAKER: -- those sites are

1 appropriate?

2 MR. JOHNSON: Yes. The criteria is  
3 there, as well, and explains what was looked at  
4 and what the criteria were.

5 MS. BAKER: And the Web site is?

6 MR. JOHNSON: The Commission's Web page,  
7 the one that we've been repeating here, www.energy  
8 --

9 MS. BAKER: Okay, the one that was  
10 posted earlier?

11 MR. JOHNSON: Right. And it's a report  
12 on power plant sites, for peakers.

13 MS. BAKER: Thank you for your response.  
14 I still -- I find it very difficult to believe  
15 your responses this evening, the truth in them.

16 HEARING OFFICER BEHE: Thank you, Ms.  
17 Baker.

18 Beverly Kendrick has two questions,  
19 which I'm going to direct to Staff.

20 The first one is when and where will the  
21 environmental impact report be available. Mr.  
22 Johnson.

23 MR. JOHNSON: The Staff Assessment will  
24 be available, currently the schedule is June 7th.  
25 It'll be posted on the Internet, and we can make

1       hard copies available if people request it, and we  
2       have your address, we can send it to you. But in  
3       our 21-day process, the easiest way and the  
4       quickest way to get the report out is we put it up  
5       on the Web, on a PDF file, and it can be  
6       downloaded and reviewed that same day.

7                   HEARING OFFICER BEHE: Thank you, Mr.  
8       Johnson. But Ms. Kendrick was asking about the  
9       environmental impact report, not the Staff  
10      Assessment

11                  MR. JOHNSON: That --

12                  HEARING OFFICER BEHE: Is it correct  
13      that in these proceedings there is no required  
14      environmental impact report?

15                  MR. JOHNSON: You're correct.

16                  HEARING OFFICER BEHE: Thank you.

17                  (Comments from the audience.)

18                  HEARING OFFICER BEHE: Please, ladies  
19      and gentlemen. Again, the courtesy that you  
20      yourself would expect.

21                  PRESIDING MEMBER PERNELL: Let me  
22      explain. There is no environmental impact report,  
23      but does that mean we don't look at any  
24      environmental effects?

25                  MR. JOHNSON: No. We --

1                   PRESIDING MEMBER PERNELL: So we've got  
2                   to get it straight. That's why we're here, for  
3                   the facts.

4                   MR. JOHNSON: The report the Staff puts  
5                   out is essentially a environmental impact report.  
6                   It looks at the environmental issues for biology,  
7                   cultural resources, visual. We look at traffic,  
8                   we look at noise impacts. We cover all the  
9                   impacts analysis that is done in a normal  
10                  environmental report. It's done expeditiously,  
11                  but it's also thorough.

12                  And I invite you to go to the Energy  
13                  Commission's Web page and review the reports that  
14                  we've done for the previous seven approved  
15                  projects, to look at those reports and see the  
16                  level of detail that was done on those, as well.

17                  HEARING OFFICER BEHE: You'll recall Mr.  
18                  Bartridge's presentation in which he identified  
19                  traffic, land use considerations, et cetera.  
20                  Those are the items in that Staff Assessment.

21                  Ms. Kendrick's final question is, when  
22                  does the 21-day approval track begin for this  
23                  project?

24                  MR. JOHNSON: The 21-days is a  
25                  guideline. Some projects have been permitted in

1 19 days, others have taken longer than 21 days.  
2 It's a guideline.

3 It -- it started when the Staff found  
4 the application to be complete on May 24th.  
5 Originally, the application was filed with the  
6 Staff. We reviewed it. It wasn't complete for  
7 the information we needed to start our analysis,  
8 and so we had the Applicant provide additional  
9 information.

10 They've done that now. We've posted the  
11 complete application on the Internet. The  
12 application's there in PDF file, as well. And so  
13 on May 24th, that started the 21-day process.

14 HEARING OFFICER BEHE: Thank you.

15 Further questions for Staff. Has any  
16 wind testing been performed to determine where the  
17 exhaust would precisely blow? This question is  
18 raised by Yussaf Hussan (phonetic), a freelance  
19 reporter for NPR.

20 Staff.

21 MR. JOHNSON: I would ask the member  
22 from the South Coast to answer that question.  
23 They're the ones that are doing the air quality  
24 analysis and would have the information about the  
25 wind patterns.

1 HEARING OFFICER BEHE: Ma'am.

2 MS. MUELLER: I'm sorry. We -- we don't  
3 have the answer at this time. The -- the model  
4 that was provided by the Applicant was found to be  
5 inadequate, and we asked the Applicant to --

6 PRESIDING MEMBER PERNELL: Okay.  
7 Please, please let us hear -- let us hear the  
8 facts.

9 MS. MUELLER: -- to re-analyze that data  
10 for us. So, for today, I don't have that answer.

11 HEARING OFFICER BEHE: And could you  
12 explain to the people who are here what you mean  
13 by the model?

14 MS. MUELLER: Okay. The District has  
15 equations where that computer kind of do the  
16 calculation, using data that go in and substitute  
17 into those equations, using the wind direction,  
18 the stack height, the -- the amount of emissions  
19 coming off the stack, and look at the impact of  
20 the local residential, the nearby area, to  
21 determine the concentration of air pollution  
22 downwind from the stack. In order to do it  
23 properly, Applicant need to use a certain  
24 particular model that we approve, and that is not  
25 quite adequate at this time.

1 HEARING OFFICER BEHE: Thank you, ma'am.

2 We'll next take a comment from Teresa  
3 Wallette, who is Chief of Staff to Councilman Mark  
4 Ridley Thomas. Ms. Wallette.

5 (Applause.)

6 MS. WALLETTE: Thank you very much. And  
7 thank you very much for allowing me to speak on  
8 behalf of the Councilman. He thought that he  
9 would have an opportunity to get here this  
10 evening, but he has not been able to arrive.

11 So I wanted to be sure to come and let  
12 you know that the Councilman has significant  
13 concerns about the power plant project. And as  
14 the Chairman of the Environmental Quality and  
15 Waste Management Committee of the City of Los  
16 Angeles, will, in fact, hold a hearing and will  
17 have a meeting within the community, within this  
18 20-day period of time, so that he can further hear  
19 from the Applicant as well as the Air Quality  
20 Management District in -- in terms of the  
21 Environmental Quality Act for this project.

22 HEARING OFFICER BEHE: Thank you, Ms.  
23 Wallette.

24 PRESIDING MEMBER PERNELL: Thank you.

25 HEARING OFFICER BEHE: Our next speaker

1 is Mary Ann Webster. Ms. Webster. And would you  
2 state your affiliation, please.

3 MS. WEBSTER: Good evening. Yeah, I'm  
4 Mary Ann Webster. I'm with the Sierra Club,  
5 Angeles Chapter. And the Sierra Club is very  
6 concerned about this matter, and we're urging that  
7 the power plant that is being proposed be moved to  
8 another location in order to protect the new state  
9 park in the Baldwin Hills.

10 And while all of us are concerned about  
11 public power needs, we find no justification for  
12 siting a power plant immediately adjacent to the  
13 Kenny Hahn State Recreation Area, and in the  
14 middle of the Baldwin Hills Conservancy area of  
15 present and future parkland.

16 And again, the Sierra Club asks the  
17 Applicant to propose a more appropriate site that  
18 will not adversely or environmentally impact  
19 present and future parkland in the Baldwin Hills.

20 Thank you.

21 HEARING OFFICER BEHE: Thank you, ma'am.

22 PRESIDING MEMBER PERNELL: Thank you.

23 (Applause.)

24 HEARING OFFICER BEHE: The next comment  
25 is from James Alameo (phonetic), who is

1       representing Hielda (phonetic) Bay. Sir.

2               MR. ALAMEO: Hello. My names is James  
3 Alameo, and I'm here representing not only Hielda  
4 Bay, but myself, because I live in the area.

5               Just a few clarifications. When they  
6 made their presentation as clean, new electricity,  
7 it's not necessarily clean because there's always  
8 a byproduct when you burn something that's going  
9 to be dirty. So it's less dirty than maybe other  
10 types of fossil fuels that they could use.

11              Secondly, when you say two acres, two  
12 acres does not necessarily mean two acres, because  
13 there's a lot of maintenance roads that are built  
14 to supply that facility, and a lot of other  
15 operations that take place that require pavement  
16 and increased -- improve the service in that  
17 vicinity. So just two acres does not equal two  
18 acres, necessarily.

19              And just in response to the  
20 environmental review process, I'll agree there is  
21 some environmental review being done, but instead  
22 of like CEQA or an EIR, where you have a finetooth  
23 comb and you can comb your hair, it's just more  
24 like just a brush, and if nothing happens, then  
25 oh, okay, we're good to go. So that's regarding

1       that.

2                   In response, you know, Hielda Bay is a  
3       non-profit environmental group. We have 10,000  
4       members, and we're dedicated to cleaning the  
5       coastal waters of southern California, making it  
6       safe for both people and marine life. And this  
7       gets -- and my comments are more related to the  
8       water quality issues, which we don't hear very  
9       much about, but that are a great part of this  
10      process. And a lot of them deal with just  
11      question marks, because we don't have a plan in  
12      front of us, and the first one is, you know, how  
13      will the project deal with cooling water  
14      discharges if the plant's not self-contained.

15                  And we heard that they're utilizing 330  
16      to 348 gallons per minute. That's quite a bit of  
17      a discharge rate if they're planning to discharge  
18      it.

19                  Next, how will the plant mitigate the  
20      runoff flows from its property, given that, one,  
21      runoff flows from the site travel directly to  
22      Billona Creek, which is currently listed as a  
23      federally impaired water body due to both toxins  
24      and heavy metal. Construction of the power plant  
25      would significantly increase the amount of

1       impervious surface area in the park, and research  
2       studies have shown that increased -- increases in  
3       impervious surface areas directly cause water  
4       quality impairment, and industries of this nature,  
5       all of them have lead, zinc, oil, grease and  
6       solvents associated with the maintenance and the  
7       daily operations, which ultimately, if not taken  
8       care of, leave the site with the runoff to the  
9       impaired water body of Billona Creek.

10               Now, having said this, what assurances  
11       do we have, or does the public have that the  
12       owners are going to address the issues. And,  
13       again, given that the co-sponsor here, of this  
14       project, Stocker Resources, has resisted and  
15       failed to implement a number of best management  
16       practices to control their existing discharge of  
17       runoff, which if they would've implemented,  
18       could've met Stocker, or allowed Stocker to meet  
19       the state's California standards for toxic  
20       pollutants. And, in fact, Stocker Resources to  
21       date continues to negotiate for weaker limits in  
22       their MPDES permit, because it can't comply with  
23       the toxic -- with the California toxics rules that  
24       are currently laid out by the state.

25               Secondly, Stocker Resources have not

1       done nearly enough to mitigate the water quality  
2       impacts from the current -- from its current  
3       operation. For example, many of the roads, the  
4       hillsides and banks are unimproved, barren or  
5       devoid of any type of vegetation, which has led to  
6       mass erosion in some areas, and increased  
7       sedimentation to Billona Creek. And, I mean, all  
8       I have to do is direct you over to the site and  
9       you can pretty much point out where Stocker  
10      Resources is. It's all open, barren, brown, kind  
11      of shaded roads.

12                 And the reason I bring this up is  
13      because sediment is known to carry the toxins and  
14      heavy metal away with it, and if you don't think  
15      that contaminated sediments are a problem, then I  
16      would really refer you to the Army Corps, who for  
17      the last three to five years, over I'd say a 30-  
18      year time period, has had to dredge the mouth of  
19      Billona Creek again every three to five years, and  
20      dealt with the contaminated sediments and where to  
21      dispose of them. And that that's -- this is a  
22      contributing source to that problem.

23                 And then, finally -- in addition, I  
24      should say, Stocker Resources' insufficient site  
25      maintenance has enabled non-native invasive

1 species, such as ice plant and pampas grass, to  
2 grow and propagate unchecked, which leads to out  
3 competing the native species, and we know the  
4 importance of the native species, as demonstrated  
5 by the community coastal -- sorry, the Community  
6 Conservancy International.

7 And to that end, the past performances  
8 of Stocker Resources has proven that it is not a  
9 friend of the environment, nor a good neighbor.  
10 And this decision to build a power plant adjacent  
11 to a public park further proves that point.

12 And I want to thank you for the time and  
13 letting me speak.

14 (Applause.)

15 PRESIDING MEMBER PERNELL: Thank you.

16 HEARING OFFICER BEHE: Thank you. We'll  
17 next hear from a representative of the United  
18 Homeowners Association, Livan Newman, and then  
19 after Mr. Newman, Tamara Hodgson.

20 MR. NEWMAN: Hello. I am Livan Newman.  
21 I am a member of United Homeowners Association,  
22 and I'm a resident of the area. I am one who is  
23 gravely concerned with the electricity, our need  
24 for it, and the production of it. But I see at  
25 this moment that our park, our recreation, and if

1 I may say, our clean air, as clean as we can get  
2 it from where we live, we live geographically in a  
3 -- we live here a few feet from the ocean.

4 We are getting the results of a wave of  
5 wind that goes from the south, southwest, to the  
6 north, northeast. And this does something for us  
7 that most people won't recognize, it gives us some  
8 of the cleanest air that anyone in this county  
9 will ever appreciate.

10 I would like to think that we are  
11 talking about something more valuable than one  
12 generating facility. We're talking about the  
13 value, and the ecology, and the health of our  
14 children. And believe it or not, being 71 years  
15 old, I'm talking about me, too.

16 (Applause.)

17 MR. NEWMAN: I would like for you and I  
18 to give deeming to other sources, and I could  
19 mention briefly some sources that I'm sure that  
20 you, or many others, haven't even given any  
21 credence to. We are a people in southern  
22 California that come from all over not just the  
23 United States, but all over the world. We are one  
24 of the biggest centers of real Americans in the  
25 world.

1                   And I would like to think that this is  
2           the place that the best will come from. What I  
3           would suggest to the people who want to produce  
4           electricity, and we do need it, is that we look  
5           for alternative sources. There are wonderful  
6           sources of electrical energy. One of them is  
7           right here. You are using it every day, many  
8           times a day. Your freeways and your streets, they  
9           can produce an overwhelming amount of electricity  
10          with a very simple engineering package. More than  
11          we can use. We'll have it to give away.

12                   But we must start someplace. Since you  
13          are getting us into this predicament, we're going  
14          to have to help, because we are the people. We  
15          are the people who must live here. We are the  
16          people who must breathe this air. And the  
17          inversion layer that we have, just a few hundred  
18          feet away, on most days, particularly in the  
19          summers, our inversion layer is so low that we  
20          can't even barbecue in the back yard without  
21          causing stagnation.

22                   I am going to tell you that we need to  
23          do something besides creating something that's  
24          going to put emissions in the air. And they're  
25          using our roadbeds, freeways and streets for the

1       creation of new sources of electricity, more than  
2       we can ever dream of using.

3               I thank you for your time, but I wish  
4       you'd give some deeming to this because it is, and  
5       as they say, what is the future built of. The  
6       future is dreams, mister. Sir, everyone, this is  
7       us. We are the future, and our dreams are the  
8       future for us. Thank you.

9               PRESIDING MEMBER PERNELL: Thank you,  
10      sir.

11              (Applause.)

12              HEARING OFFICER BEHE: Ms. Hodgson.

13              MS. HODGSON: Madam Commissioner, I'm  
14      Tamara Hodgson, and I would prefer if you would  
15      read my question and direct it to the appropriate  
16      person.

17              HEARING OFFICER BEHE: Thank you.

18              The question is, why are we building a  
19      plant next to a park when there has been no  
20      serious effort to promote conservation.

21              We will next hear from --

22              (Comment from the audience.)

23              HEARING OFFICER BEHE: Staff, do you  
24      have a comment?

25              PRESIDING MEMBER PERNELL: I can take

1       that one. In terms of the conservation and what  
2       we're doing at the Energy Commission, as some of  
3       you may know, the Governor has allocated \$850  
4       million for conservation programs. And we're now  
5       in the process of giving grants and -- and doing  
6       energy conservation with communities,  
7       neighborhoods, for the conservation effort.

8               So there is a lot of conservation  
9       efforts going on. We're doing something with  
10      LADWP right now. So far, we have awarded about  
11      \$109 million for conservation efforts. So we know  
12      that one of the ways in order for us, and the  
13      Governor has said, in order for us to meet this  
14      challenge, it is with conservation as well as  
15      generation.

16             HEARING OFFICER BEHE: Thank you.

17             Robert Garcia, Director of the City  
18      Project Center for Law in the Public Interest.

19             PRESIDING MEMBER PERNELL: Mr. Garcia,  
20      good to see you.

21             MR. GARCIA: Good evening. Thank you  
22      very much for the opportunity to be here today.

23             I'd like to be brief in light of the  
24      very eloquent -- most of the people have been here  
25      already and will be here after me. But I'd like

1 to make four points, and I'd like to make those  
2 four points emphatically.

3 First of all, our goal is to stop the  
4 power plant, to save the community and save the  
5 state park in Baldwin Hills, period.

6 (Applause.)

7 MR. GARCIA: Second, we represent an  
8 extraordinarily diverse coalition to accomplish  
9 that goal. We have a letter that we will be  
10 submitted to make part of the record today. We  
11 have already sent it to the Governor and to other  
12 elected officials, to Mary Nichols and others.

13 The coalition includes the Center for  
14 Law in the Public Interest. Connie Rice, of the  
15 Advancement Project, one of the top civil rights  
16 attorneys in the country, my former colleague at  
17 the NAACP Legal Defense Fund, Joel Rheinolds from  
18 the Natural Resources Defense Council. Esther  
19 Feldman, from Community Conservancy International,  
20 whom you heard earlier. Opal Young, of the  
21 Baldwin Hills Crenshaw Coalition. Janet Chapman  
22 Brown, is counsel for the Blair Hills Residents  
23 Association. Kevin Finney, Director of the  
24 Climate Change Program at the Coalition for Clean  
25 Air. Juanita Pate, from Concerned Citizens of

1 South Central Los Angeles, one of the first  
2 African-American environmental justice groups in  
3 the country. And James Rojas, from the Latino  
4 Urban Forum. And that coalition has been  
5 assembled in the short amount of time since we  
6 received notice of the proposed power plant in  
7 Baldwin Hills. The coalition is growing.

8 Third, we have a threshold concern.  
9 Based on this testimony here today, this project  
10 does not qualify for emergency procedures. The  
11 gentleman from Stocker testified, and very kindly  
12 confirmed this with me in conversation, that first  
13 of all, the plant will operate 8,000 hours a year.  
14 And he said that's not really 24 hours a day,  
15 seven days a week. But if you do the math,  
16 there's only 8,460 hours in a year. That means it  
17 will be off a total of 19 days in a year, or one  
18 and a half days a month. I submit to you that is  
19 24 hours a day, seven days a week.

20 He also testified that it is a \$50  
21 million investment, and you cannot make a return  
22 on a \$50 million investment if you operate it as a  
23 peaker power plant.

24 And third, he's not going to walk away  
25 from a \$50 million investment in three years.

1 With all due respect, the Energy Commission will  
2 not pull the plug on this plant if they issue a  
3 permit today, or in 20 days.

4 Fourth, Assemblyman Wesson's office  
5 confirmed that they already submitted a letter  
6 asking are there any other power plants in a state  
7 park, or any other power plants proposed for a  
8 state park, in the State of California. And the  
9 answer to his office came back, no. There's no  
10 other power plant in a state park.

11 So then we ask ourselves, why are they  
12 thinking of putting a power plant in the Baldwin  
13 Hills. We -- we work at the intersection of civil  
14 rights and the environment. The two most  
15 important lessons of the environmental justice  
16 movement have been, number one, communities of  
17 color disproportionately suffer from environmental  
18 degradation.

19 (Applause.)

20 MR. GARCIA: And number two, communities  
21 of color are systematically excluded from the  
22 decision-making process.

23 (Applause.)

24 MR. GARCIA: The Staff analysis that  
25 will be completed within a number of days is not

1 the equivalent of an Environmental Impact Report.  
2 An Environmental Impact Report, properly  
3 understood, is premised on full information being  
4 disclosed and giving the opportunity -- giving the  
5 community the opportunity to assess that  
6 information and participate fully and fairly in  
7 the decision-making process. Speedy justice in  
8 this case is justice denied.

9 It's important to understand the  
10 demographics of the community we are in today.  
11 More than 50 percent of the community to the east  
12 of the proposed plant is African-American. Sixty  
13 percent live below the county average for income  
14 level. Twenty percent live below the poverty  
15 line. This is the heart of African-American Los  
16 Angeles. As the gentleman put it earlier, it is a  
17 pocket of excellence for African-Americans in the  
18 country. And it is also a community that did not  
19 come about through the accident of unplanned  
20 growth, or entirely by choice.

21 Los Angeles, throughout the 20th  
22 Century, has had a history of pattern and policies  
23 of discrimination. Restrictive housing covenants  
24 were first explored in Los Angeles. The federal  
25 government subsidized mortgages only in racially

1 homogenous neighborhoods through the forties and  
2 fifties. Most of Los Angeles was off limits to  
3 African-Americans, to Latinos, to Asians,  
4 throughout most of the 20th Century. And that's  
5 why this community is disproportionately African-  
6 American today.

7           And you have to keep that in perspective  
8 in assessing why is this the only place they're  
9 going to propose siting power plant in a state  
10 park. Los Angeles is park poor. Los Angeles has  
11 fewer acres of park per thousand residents  
12 compared to any major city in the country. The  
13 inner city, South Central Los Angeles, community  
14 represented by Juanita Pate, has .3 acres of parks  
15 per thousand residents. Compared to 1.7 acres in  
16 disproportionately white, relatively wealthy parts  
17 of Los Angeles. Compared to ten acres, which is  
18 the national standard for parks.

19           There is one picnic table for every  
20 10,000 people in a five mile radius of Baldwin  
21 Hills Park. There is one playground for 24,000  
22 children. There is one soccer field for 30,000  
23 players. There is one basketball court for 36,000  
24 people. Somebody asked earlier, what difference  
25 does it make if we put a power plant in a park.

1       This is not like the field of dreams; if you build  
2       it, they will come. This is the opposite. If you  
3       build it, the power plant, they will not come to  
4       the Baldwin Hills Park, because it will not  
5       materialize in the vision that Esther Feldman  
6       presented here today.

7                To conclude with my first point, stop  
8       the power plant to save the community and to save  
9       the state park in Baldwin Hills.

10               Thank you very much.

11               (Applause.)

12               PRESIDING MEMBER PERNELL: Thank you.

13               HEARING OFFICER BEHE: Thank you, Mr.  
14       Garcia.

15               The next speaker is M. Shapiro. Ms.  
16       Shapiro? I'll read her questions, then.

17               If this plant is allowed to be built,  
18       which I oppose, Stocker Corporation should be  
19       required to donate other properties to the  
20       Conservancy Park, which will serve to mitigate  
21       somewhat this anti-community power project at this  
22       location. And their construction should be  
23       required to aesthetically camouflage this  
24       intrusion into the natural environment.

25               Ms. Shapiro is with the Board of the

1 Billona Creek Project.

2 Our next speaker is Juan Martinez, CD  
3 Rescue. Mr. Martinez.

4 (Comment from the audience.)

5 HEARING OFFICER BEHE: Could you come to  
6 the mic. Thank you.

7 SPEAKER: CD Rescue is a high school  
8 organization of Crenshaw High School and Dorothy  
9 High School. They had to go home, since this went  
10 so late. Unfortunately, they are not here because  
11 they have to go to school tomorrow.

12 HEARING OFFICER BEHE: Curfew problems.  
13 Thank you.

14 We have some --

15 (Comment from the audience.)

16 HEARING OFFICER BEHE: Thank you.

17 Questions, then, of the Staff, regarding  
18 the 21-day time period, why were the residents not  
19 notified six months ago. This question is from  
20 Mary Martin. Mr. Johnson.

21 MR. JOHNSON: We didn't have the  
22 emergency declared six months ago. The Governor  
23 declared the energy emergency in January of this  
24 year. The Executive Orders were published in  
25 February and March, and so the 21-day process was

1 the result of those Executive Orders that were  
2 issued in February and March.

3 HEARING OFFICER BEHE: Question from  
4 Theodore Irving. The State of California has  
5 dozens of landfills within its borders. Why were  
6 these sites not considered for peaker plants?

7 MR. JOHNSON: I'm not sure they weren't  
8 considered. I'd have to look into the report to  
9 show which, you know, which sites are available  
10 for projects. Landfills might be on that list.  
11 I'm not -- I'm not familiar with it.

12 HEARING OFFICER BEHE: And then a  
13 question by Jared Bailey. Why was this power  
14 plant not publicly announced. Perhaps you could  
15 address the publication requirements of the 21-day  
16 process.

17 MR. JOHNSON: This project was announced  
18 publicly in the timeframe that's allowable for --  
19 for a emergency project. When Stocker filed --  
20 when Baldwin Hills filed their application with  
21 us, one of the filing requirements was a list of  
22 property owners. Anyone that owned property  
23 within a thousand feet of the project site or  
24 within 500 feet of a linear facility, that list of  
25 -- of property owners was -- we sent notices to

1       them. We sent notices to the agencies in this  
2       area. We sent notices to the libraries, as well  
3       as copies of the application to the three  
4       libraries in the area.

5               We checked today, and two of the  
6       libraries have -- have those applications on file.  
7       The third library had not received an application,  
8       so there was a problem with the mail there.

9               The -- the application notification  
10      process was also done, there was an ad taken out  
11      in the -- I believe the LA Times, for this  
12      particular meeting here tonight. And it was also  
13      through media, through the radio, through the  
14      television, whatever else, to get the information  
15      out about this meeting.

16              HEARING OFFICER BEHE: Thank you. And a  
17      question for Staff from Victor Bullock. To what  
18      extent has population density been accounted for  
19      in site selection. I believe this pertains to the  
20      sites that were considered for these types of  
21      projects.

22              MR. JOHNSON: All right. I don't  
23      believe that population density was a factor in  
24      the -- one of the criteria that was used. That --  
25      that's a relative, you know, it depends on the

1 area that you're looking at to determine the  
2 density. I don't believe it was a criteria.

3 HEARING OFFICER BEHE: Thank you.

4 Our next speakers --

5 (Comment from the audience.)

6 HEARING OFFICER BEHE: Yes, sir. Would  
7 you come to the microphone and state your name.

8 MR. BULLOCK: Good evening. I am Victor  
9 Bullock.

10 My question relates more to a follow-up  
11 to an earlier comment about the water usage at the  
12 site. And whether or not that water discharge is  
13 going to be contaminated and whether or not there  
14 are any remediation procedures in place, and how  
15 it's going to affect the environment.

16 PRESIDING MEMBER PERNELL: Then that's  
17 one for the Applicant.

18 MR. WILBURN: On the -- on the water  
19 discharge, excuse me, there will be no offsite  
20 discharges of wastewater. We have to treat  
21 drinking water and demineralize it to put it into  
22 the turbine. The solids from that water will be  
23 injected into the produced water stream, the water  
24 that comes up for the oil, which we re-inject into  
25 the ground. The water that we combine with the

1 produced water is cleaner than the produced water,  
2 in terms of TDS that goes back into the ground.  
3 So there is no waste stream.

4 HEARING OFFICER BEHE: And a question  
5 for the Applicant. If you could remain at the  
6 podium, sir.

7 The question is, what will you do with  
8 the plant when it goes offline?

9 MR. WILBURN: Get it back on as fast as  
10 possible. When it goes -- when it goes offline,  
11 usually it goes offline for either maintenance, or  
12 it goes offline for mechanical failure, so it'll  
13 be repaired and be brought back online as soon as  
14 possible. I don't know if that was the question  
15 or not.

16 HEARING OFFICER BEHE: That is exactly  
17 the question, but I think, and we don't have the  
18 author identified, it might mean when you cease  
19 operation of the plant. Rather than when it goes  
20 offline for maintenance.

21 MR. WILBURN: Well, I -- I think what  
22 was said earlier is the lease for the plant runs  
23 out with the lease for the oil. When the oil  
24 companies are gone, the plant's gone, unless  
25 somebody else, state picks it up. So it'll -- it

1 will disappear.

2 HEARING OFFICER BEHE: And I think the  
3 question more specifically is, what will you do  
4 with the building, the materials that are there.

5 MR. WILBURN: Be removed.

6 HEARING OFFICER BEHE: Thank you.

7 Next question from the same source is,  
8 many minority children have respiratory problems.  
9 Can you guarantee that emissions from the plant  
10 will not exacerbate these problems, especially at  
11 the school less than a mile from the proposed  
12 plant.

13 MR. RUSCH: I think first off, as I  
14 mentioned earlier in my talk, Stocker's made great  
15 pains to reduce the number of emissions in the  
16 Baldwin Hills area. We've reduced the NOx  
17 emissions from over 370 tons when we first took  
18 over, to what will amount to less than 20 tons  
19 with the start-up of the plant itself.

20 We're complying with, and the -- and the  
21 CEC, and actually South Coast Air Quality  
22 Management District, is actually doing a  
23 comprehensive modeling analysis of both the air  
24 emissions and the air toxics. And we intend to  
25 fully comply with that. And we will offset those

1 emissions. So we intend to be in full compliance.

2 HEARING OFFICER BEHE: Thank you. And  
3 Robert Cole has indicated he wants to speak, and  
4 while he is coming to the podium let me read to  
5 you, sir, his question.

6 How much money does Stocker Resources,  
7 Incorporated, stand to earn from the operation of  
8 this power plant over a 30-year period.

9 MR. RUSCH: As with any business  
10 venture, we wouldn't do it if wasn't economical.  
11 When we're staring at 83 percent increase, a half  
12 million dollars a month in increased electric  
13 rates, we look for opportunities, just like we all  
14 do, through conservation. Buy a portable  
15 generator at Home Depot, or in this case, teaming  
16 up with La Jolla, who has the equipment to provide  
17 our own power.

18 (Comment from the audience.)

19 HEARING OFFICER BEHE: Non-responsive is  
20 the objection. This isn't a formal hearing, but I  
21 believe that Mr. Cole is asking for a dollar  
22 estimate.

23 (Comments from the audience.)

24 PRESIDING MEMBER PERNELL: Let me --

25 HEARING OFFICER BEHE: Do -- do you not

1       --

2               MR. RUSCH:  I don't --

3               HEARING OFFICER BEHE:  Okay.  Mr. Cole's  
4       question is, how much money does Stocker  
5       Resources, Incorporated, stand to earn from the  
6       operation of this power plant over a 30-year  
7       period.  Can --

8               MR. RUSCH:  We stand to earn enough  
9       money to pay back the \$53 million capital  
10       investment.

11              HEARING OFFICER BEHE:  Is -- is that all  
12       of the response you wish to provide to Mr. Cole?

13              MR. RUSCH:  We're under confidentiality  
14       agreements, negotiating with the state, DWR, for  
15       electrical pricing contracts.  And we're -- we're  
16       unable to be responsive with that answer.

17              HEARING OFFICER BEHE:  All right.

18              Our next speaker is Julie Masters, staff  
19       attorney for the National Resources Defense  
20       Council.  And after that, Darrick Davis.

21              MS. MASTERS:  Good evening.

22              PRESIDING MEMBER PERNELL:  Good evening.

23              MS. MASTERS:  I'm Julie Masters.  I am  
24       here with the Natural Resources Defense Council.  
25       We're a national non-profit environmental

1 organization, and we have thousands of southern  
2 California members. And I'd like to thank you for  
3 this opportunity to address you this evening.

4 I'm here today to urge you not to allow  
5 this power plant to be built in the Baldwin Hills  
6 Conservancy area. Initially, I'd like to raise an  
7 important procedural point that has already been  
8 raised, and that is that we also question whether  
9 this proposed power plant qualifies for the  
10 expedited emergency process.

11 Under the Governor's Executive Order,  
12 the expedited review process is available only for  
13 peaker power plants. And this plant, if approved,  
14 would be permitted to operate for 24 hours a day,  
15 365 days a year, for 30 years, and not just during  
16 peak periods. So at the very -- at the very  
17 least, we believe that a four -- a longer four-  
18 month process is required here, along with a full  
19 CEQA review.

20 We absolutely realize that more energy  
21 is needed during this crisis, and that additional  
22 power plants must be built and brought online.  
23 But they must be built as clean as possible, and  
24 in the proper and correct places. Baldwin Hills  
25 Park is precisely the wrong place for a power

1       plant.

2               This is the only plant to be sited in a  
3       major state park site, and this state park happens  
4       to be in an area of the state with some of the  
5       least amount of parkland per capita. Perhaps most  
6       importantly, the siting of this power plant would  
7       be right next to the -- right next to this public  
8       park, would pose a health threat to those who  
9       would use the park, due to the additional  
10      pollution that it would generate right next door.

11              It's estimated that this plant will emit  
12      almost 17 tons per year of particulate matter.  
13      Study after study has linked particulate matter to  
14      reductions in lung capacity, exacerbation of  
15      asthma and other respiratory illnesses, increased  
16      hospital visits, and premature death.

17              In addition, this power plant will be a  
18      source of NOx, which is not only a smog precursor,  
19      but recently has been linked by a USC study to  
20      decreased lung function growth among southern  
21      California children. What is particularly  
22      concerning about all of this is that all of that  
23      pollution will travel into the surrounding park,  
24      where people are so close to the source, and where  
25      children are playing, and could therefore pose a

1       serious health threat.

2               Children are particularly at risk from  
3       all sources of pollution. And their risk is even  
4       greater when they're active, because their  
5       breathing rates increase and they would therefore  
6       inhale and retain much greater amounts of  
7       pollution.

8               Equally as important, this site is --  
9       this plant is sited close to a number of  
10      residences that are within a half-mile of the  
11      site. The health risk to those residents would  
12      also be great, and they would be exposed on a  
13      constant basis, 24 hours a day, possibly.

14              What's more, the surrounding community  
15      is largely African-American, as you've heard over  
16      and over, which makes this an environmental  
17      justice issue, both in terms of the  
18      disproportionate impacts on pollution and in terms  
19      of lack of open space.

20              We need power. But please, stop and  
21      plan wisely. Don't site this power plant in  
22      Baldwin Hills Park. That's not where it belongs.

23              Thank you very much.

24              (Applause.)

25              HEARING OFFICER BEHE: Thank you.

1                   Darrick Davis. And after Mr. Davis,  
2                   Shaune Arnold.

3                   MR. DAVIS: Okay. To avoid being  
4                   redundant, the speaker spoke on a lot of issues I  
5                   wanted to talk about. But I also want to bring up  
6                   the fact that a lot of the residents in the area  
7                   were also surrounded by LAX, and there's been  
8                   plenty of times I'll go to my windowsill and  
9                   there's soot. So we're not only already in an  
10                  environment where we get other environmental  
11                  impacts for our health, this would just be adding  
12                  more. And they're, right now they're currently  
13                  trying to expand LAX, to come out even further.  
14                  And I think if something like this does pass, it  
15                  opens the door for other people saying hey, if a  
16                  power plant's there, why can't we get in and put  
17                  something there.

18                  And also, if you think about 30 years  
19                  down the line, after the power plant is finished,  
20                  and there is a power plant, and you guys say well,  
21                  there's no more oil, we don't need the power  
22                  plant, I think someone will step in and say well,  
23                  we can always build a bigger power plant. We can  
24                  expand it, because currently, if you have 910  
25                  acres, the power plant is going to occupy two

1        acres, you still have another 908 acres to develop  
2        whatever.

3                    So those are all the things I wanted to  
4        talk about.

5                    PRESIDING MEMBER PERNELL:    Thank you.

6                    (Applause.)

7                    HEARING OFFICER BEHE:    Thank you.

8                    Shaune Arnold, and next up will be Marta  
9        Zaragoza.

10                   MS. ARNOLD:    Good evening.    I think it's  
11        important to realize that the La Cienega and  
12        LaBrea corridors are the absolute lifeline of the  
13        African-American community in Los Angeles.    Some  
14        of the wealthiest communities are in the area,  
15        also, which means that this is an area where  
16        people go to see one another doing well.    It's a  
17        family oriented community, where -- now, it's my  
18        understanding that you may be able to reduce the  
19        nitrous oxide emissions, but that doesn't mean  
20        you're naturally automatically reducing the soot  
21        output, as well.

22                   Kids getting asthma.    You see how many  
23        older people are in the audience this evening.  
24        They're very sensitive to that sort of thing, and  
25        we need to be sensitive to it.    This plant will

1       prove to be an absolute blight on the landscape.  
2       And to put it there is nothing short of absolutely  
3       disrespectful to the community.

4               Inglewood is still dealing with the  
5       racetrack that was built there with many, many  
6       promises of jobs that were going to go to the  
7       community. And when that racetrack was built,  
8       those jobs went to people who were outside the  
9       community. The gentleman spoke here today about  
10      certain technical jobs, et cetera, that will  
11      probably be going to people from outside the  
12      community. But I'd be willing to bet you that  
13      those technical jobs are the high-paying jobs that  
14      will not go to people in the community.

15             This is very typical. This is the kind  
16      of treatment that we get. But this is the wrong  
17      community to choose for this kind of treatment.  
18      This is a community of black folks that vote, and  
19      this is a community of black folks that will fight  
20      to their dying breath to keep a seven-story  
21      smokestack --

22             (Applause.)

23             MS. ARNOLD: -- from being in our back  
24      yard. Thank you very much.

25             PRESIDING MEMBER PERNELL: Thank you.

1 (Applause.)

2 HEARING OFFICER BEHE: Marta Zaragoza.

3 FROM THE AUDIENCE: She had to leave.

4 HEARING OFFICER BEHE: Thank you. Her  
5 comments will be in the record.

6 Jeffrey Mintz.

7 (Comment from the audience.)

8 HEARING OFFICER BEHE: And Mr. Mintz,  
9 would you state your affiliation.

10 MR. MINTZ: Thank you. My name's  
11 Jeffrey Mintz, and I'm with the Mayor's Council,  
12 the Community Advisory Committee for the City of  
13 Los Angeles. I was appointed by Mark Ridley  
14 Thomas, and I represent Council District 8, which,  
15 of course, is this Council District.

16 I am a resident of Village Green, which  
17 is right next to the Baldwin Hills. And, in fact,  
18 I grew up in this area. I grew up in Culver City,  
19 lived in Ladera Heights for a number of years, and  
20 I really enjoy this area, and I've always enjoyed  
21 the Baldwin Hills and all the natural wonders that  
22 it has to offer.

23 My concerns are not only with the  
24 pollution in both the air and the water, and the  
25 other toxins that may be given off by the power

1       plant, but the impact that having that power plant  
2       will have when it's being constructed. What kind  
3       of damage that'll cause to the environment with  
4       the construction of that, and the damage it'll  
5       cause in the environmental areas as far as  
6       habitats for a lot of the animals that live there.  
7       As the construction goes on, their habitat will be  
8       limited, and they will either have to leave the  
9       area or they will be killed, or their habitat will  
10      be destroyed.

11               And that's a major concern of mine, in  
12      addition to the upheaval that it'll cause on both  
13      LaBrea and La Cienega, which during high traffic  
14      rush hours, which, of course, are times that no  
15      one's rushing, but heavy congestion, I can only  
16      imagine the congestion would be quite worse  
17      throughout the construction period.

18               And something else to consider. We've  
19      been talking a lot about parklands, and Los  
20      Angeles is very, very low nationally in parklands.  
21      Being on the Community Forest Advisory Committee,  
22      I'm also privy to the information that Los Angeles  
23      has one of the lowest concentrations of leaf and  
24      tree canopy of any city within the United States.  
25      Most cities have about 25 percent of -- of a tree

1 coverage canopy, and Los Angeles, unfortunately,  
2 only has ten. And what I -- what I see a need for  
3 is to create more natural areas where you have  
4 more canopy and more coverage, as opposed to  
5 creating more industrial construction where you  
6 have more hardscape, and more steel that'll do the  
7 opposite of canopy, to reflect light. It'll --  
8 it'll impact the environment from that point of  
9 view.

10 So there's a number of reasons why this  
11 power plant shouldn't be built in this area. It  
12 should be built somewhere else, because I think we  
13 all agree that we need the power, but I think that  
14 it should -- it should be put somewhere else  
15 because of the environmental impact that it will  
16 have not only now, but in the future, like so many  
17 other people so eloquently put.

18 Thanks for your time.

19 PRESIDING MEMBER PERNELL: Thank you.

20 HEARING OFFICER BEHE: Thank you, sir.

21 (Applause.)

22 HEARING OFFICER BEHE: I'm going to  
23 combine some questions and direct them to the  
24 Commissioner. The questions are from Sara Rogers,  
25 Rick Waters, and someone who has worse handwriting

1       than I do.

2                   And the questions are, who makes the  
3       final decision on this project. Are you going to  
4       have another meeting so everyone can speak. And  
5       what is going to happen from here.

6                   PRESIDING MEMBER PERNELL: Okay. The  
7       final decision is -- the final decision is made by  
8       five Commissioners. I'm one of the five. What  
9       will happen is there will be a Staff Assessment.  
10      And yes, we will have another meeting once that  
11      Staff Assessment comes out. And basically, what  
12      that is is a report of some comments from the  
13      public, and from the various agencies, South  
14      Coast. That will come out. It will be public,  
15      and we'll have another meeting.

16                   After that Staff Assessment, this  
17      particular issue will go to the full Commission,  
18      which is five Commissioners, including myself.  
19      And there will be a vote of the Commission, of the  
20      Commissioners.

21                   And so there's some time for  
22      interaction, for dialogue. But again, being  
23      involved in the process, and you've heard that  
24      this is an open process, being involved I think is  
25      a good thing, and -- and having your concerns and

1 issues heard here tonight, and at the next  
2 meeting, and in writing, if you so choose, is all  
3 a way in which you can interact with the process.

4 So the answers are yes, we'll have  
5 another meeting. And there will be a -- we won't  
6 make the final decision here tonight, or at the  
7 next meeting. There will be a five Commission  
8 board that will make the final decision.

9 HEARING OFFICER BEHE: Our next speaker  
10 is Thomas Brown, of the Village Green Homeowners  
11 Association. And after Mr. Brown, Schuyler  
12 Jackson.

13 MR. BROWN: Good afternoon, ladies and  
14 gentlemen, and Commission. I count this an honor  
15 to stand before you.

16 I live in Village Green, in Councilman  
17 Mark Ridley Thomas' district. Our power source  
18 come from DWP. We are about a half-mile from this  
19 refinery. We were just recently granted a  
20 National Historic Landmark. Our property consists  
21 of 70 acres of squirrels, birds, and all kinds of  
22 species we can enjoy in the afternoons, by  
23 strolling around our 70 acre piece of property,  
24 our golf course.

25 I have a serious problem, and I think

1       this whole program should be scratched, simply  
2       because the way the Congress and the government  
3       has did the bankruptcy laws, big corporations can  
4       walk away. Even if this is granted, 20, 15, 30  
5       years down the road, these mega-millionaires may  
6       decide they don't want to clean this place up.  
7       And we'll be left with a larger contamination.

8               So I appeal to them to go somewhere else  
9       for this plant, maybe down to the Belmont School  
10       District, whatever the failure --

11              (Laughter.)

12              MR. BROWN: -- and I would also like to  
13       say, with no offense to them, we live a quality of  
14       life here that your oil plant has already  
15       affected. And I would like very much to keep --  
16       continue this lifestyle, and to continue to  
17       stroll. Every time I ride down La Cienega, I have  
18       a problem. You need to know that we live on Rodeo  
19       Road, and the Rodeo Road is the only street that's  
20       north of here that all of this stuff is going to  
21       have to pass through.

22              I'm constantly begging the councilmen  
23       now, because we're having waste out of Culver City  
24       come down to our neighborhood on Rodeo Road. So  
25       what we need now is less contamination, less

1 traffic, and we need these power plants in another  
2 place.

3 I respectfully appeal to the Commission  
4 to just come up to Village Green and look at where  
5 we live. I'm sure the squirrels and the other  
6 animals, I understand we have 150 different types  
7 of birds over there, but if you walk through our  
8 community and see what we would endure from this,  
9 it would be endangering to you just to do it.

10 The next thing, I went on a bus ride  
11 tonight, and they passed some beautiful chicken.  
12 It was nice. But when we stopped up at the top of  
13 the hill, I asked the gentleman who was giving the  
14 presentation, how near is the park from here. And  
15 I could see it, but I wanted an answer. He said,  
16 one-eighth of a mile. And the turbines will be  
17 sitting one-eighth of a mile from this park, where  
18 my kid and where every other kid is going to be  
19 living and breathing.

20 And lastly, I would like to say \$40  
21 million was contributed, and \$13 million is  
22 already appropriated for next year, to build this  
23 park. And what an oilfield could do for these  
24 turbines would only put us in hell's gate.

25 Thank you very much.

1 (Applause.)

2 PRESIDING MEMBER PERNELL: Thank you.

3 (Comment from the audience.)

4 HEARING OFFICER BEHE: Sure. I think  
5 everyone can't hear you. Could you use the  
6 microphone?

7 (Comment from the audience.)

8 PRESIDING MEMBER PERNELL: We have  
9 committed to do that.

10 (Comment from the audience.)

11 PRESIDING MEMBER PERNELL: Thank you,  
12 Senator. We -- we have -- we have been approached  
13 by a number of the neighborhood associations to --  
14 to do a site visit of their neighborhood, and I  
15 would love to have your office coordinate that.  
16 And we'll make time to do it.

17 (Comment from the audience.)

18 HEARING OFFICER BEHE: Thank you.

19 Schuyler Jackson, and then next, Ta-  
20 Lecia Arbor.

21 MR. JACKSON: Excuse me. It's Schuyler  
22 Jackson.

23 HEARING OFFICER BEHE: I'm sorry. Thank  
24 you.

25 MR. JACKSON: That's okay. My name,

1       once again, is Schuyler Jackson. I live in the  
2       View Park area, and first I want to thank the  
3       Commission for having this meeting. It's short-  
4       term notice, obviously, but thank you for having  
5       it. And also, thank you for having the second  
6       meeting, whenever date that'll be planned.

7                   And also, too, I want to thank all the  
8       people that are out here tonight. And I know, I  
9       looked at my watch, it's like almost 10:30. You  
10      know, please stay, because while we might have to  
11      stay late one night, or maybe a second or third  
12      night, the plant'll be here 30, 40 years' worth of  
13      nights. So it's -- it's a little bit maybe of  
14      inconvenience for one night or two nights, but  
15      I'll take that over 30 or 40 years of nights in  
16      time.

17                   Okay. The --

18                   (Applause.)

19                   MR. JACKSON: I just want to bring up a  
20      couple of things not related to my questions that  
21      I had, because someone had already asked that.  
22      One thing that Stocker and La Jolla brought up  
23      was, I guess, quote, unquote, the spirit of  
24      volunteerism, that they wanted to do because they  
25      got this mandate from the state to go out and try

1 to find -- find places to put power plants.

2 There is no altruism here. There is no  
3 volunteerism here. There is profit. Strictly  
4 profit. Because if you cannot make a profit from  
5 this, if you -- you cannot make a profit from  
6 this, you would not be doing it. Bottom line.

7 Another thing he brought up, the Stocker  
8 people brought up, was, is they -- they said that  
9 the plant will stop when the oil stops. When does  
10 the oil stop? Because 30 or 40 years from now,  
11 you might not have 30 or 40 rigs up there, or  
12 however many you have up there. He might only  
13 have one. Technically, the oil is still pumping.  
14 And also, as your oil reserves get depleted and  
15 you're making less profit off of the oil, you've  
16 got a nice power plant up there to supplement  
17 that.

18 And so as long as you can keep one  
19 little rig running, and technically the oil is  
20 still pumping, you're making money off of your  
21 power plant. And within 30 or 40 years' time, you  
22 would've well paid off that 50 or 60 million up  
23 front cost that it takes to build this plant. And  
24 that -- one of my questions is, when is your --  
25 your payback time. How long is it going to take

1       you, based on your projections, to pay back your  
2       initial investment. Three years, five years, ten  
3       years?

4               The next thing. Electrical prices are  
5       -- excuse me. Let me state this. We're in a  
6       crisis right now. But realistically, we all know  
7       maybe three, five, six years from now, this crisis  
8       will be over. We will have built enough power  
9       plants, everybody'll be able to run their  
10      computers and do whatever they have to do. But  
11      guess what? Our electrical prices are still going  
12      to be high.

13             Okay. Last year we were paying \$1.50,  
14      \$1.60 for gas. And this year we're paying two  
15      bucks. And guess what? Next year we're going to  
16      be paying \$2.30 or \$2.50.

17             This, and I thought I'd never say this,  
18      but I have to agree with President Bush. This is  
19      a short-term fix which is going to have a long-  
20      term liability. And to paraphrase our president,  
21      short-term fixes don't work.

22             The next question I have has to do with  
23      the Commission, and with the state. What are the  
24      subsidies that you guys are offering this company  
25      to do this. Now, they're saying that it's

1 strictly a private investment, they're doing their  
2 own -- all of their own money. But you are  
3 subsidizing them. One way you're subsidizing them  
4 is that this is a 21-day to 30-day process. So  
5 right there, that's God knows how much money  
6 they're not going to have to spend on consultants,  
7 scientists, and whoever else has to do all of the  
8 reports that are normally required by CEQA and by  
9 environmental impact studies, and all of those  
10 other things. So that's a straight, up front cost  
11 that they don't have -- they don't have to put up.  
12 That's a subsidy based on the state, because the  
13 state says we need this in basically a month.

14 The next thing is, like I said before,  
15 the environmental review process. There is none.  
16 Normally, with a power plant or something of this  
17 magnitude, it takes years for it to happen. And  
18 the reason why is because there's obviously health  
19 concerns, environmental concerns, concerns with  
20 the local community. None of these things are  
21 really being addressed. They're trying to be  
22 rushed through. In an area as densely populated  
23 as this, you would think it would be micro-managed  
24 to the -- to the hilt. And instead, it is being  
25 rammed through like God knows what.

1                   And for myself, the way I look at it, I  
2           -- normally I never get involved in politics,  
3           because it's politics.

4                   (Laughter.)

5                   MR. JACKSON: But when I see something  
6           that is an obvious injustice, that's being  
7           railroaded through, that's only going to help a  
8           hundred thousand people, and I'm not even one of  
9           them? No. No. That's all I can say.

10                  (Applause.)

11                  MR. JACKSON: Thank you.

12                  PRESIDING MEMBER PERNELL: Thank you.

13                  HEARING OFFICER BEHE: Our next speaker  
14           is Ta-Lecia Arbor, and after that, Calvin Hall.

15                  MS. ARBOR: It's pronounced Ta-Lecia.

16                  HEARING OFFICER BEHE: Thank you, ma'am.

17                  MS. ARBOR: You're welcome.

18                  I just wanted to address the Committee.  
19           We -- as a community, we want to thank you for  
20           allowing us this time. As Senator Murray stated,  
21           my parents have been living in this area since  
22           1964. I played on the Winter Hills Park play  
23           area. I've attended school there. I'm a product  
24           of LA. And this plant that you're proposing is  
25           just not an appropriate place. It's just not

1       appropriate.

2               We, as everyone has stated, we are park  
3       poor. And I have -- when we were growing up, we  
4       had to go not in our immediate area, we had to go  
5       to Inglewood to play in a park. Or we had to go  
6       to Culver City to play in a park. Or we had to go  
7       to Griffith Park. There weren't any parks in our  
8       neighborhood. And a lot of the people in my  
9       group, and we have a lot of elders here, we have  
10      to go outside of our neighborhood to participate  
11      in anything that is remotely environmentally  
12      healthy for anybody to deal with. And if you take  
13      away the opportunity for our park by putting a  
14      plant in there, where are we going to go?

15             I'm urging the council to not allow this  
16      permitting process to take place. Thank you.

17             (Applause.)

18             PRESIDING MEMBER PERNELL: Thank you.

19             HEARING OFFICER BEHE: Thank you.

20             Calvin Hall, and next, Mary Ann Greene.

21             MR. HALL: Thank you for the opportunity  
22      to speak. My name is Calvin Hall, H-a-l-l. I'm  
23      President of the Baldwin Hills Village Gardens  
24      Homes Association, and we're in the area right  
25      next to Village Green.

1                   And I've heard a couple of things which  
2                   makes me feel very good this evening. One is an  
3                   indication that your Commission will do a site  
4                   visit. Because there is one other element that  
5                   has not been discussed today, or tonight, and I  
6                   want to add to this.

7                   First of all, when your Staff does the  
8                   assessment, whoever does some of the scientific  
9                   work, they need to take into account the  
10                  prevailing winds. La Cienega, when you went on  
11                  your bus trip, when you went up that little hill,  
12                  there is a downdraft that comes up on La Cienega.  
13                  And it operates year-round. Any type of pollution  
14                  comes right down the hills and moves right around  
15                  the base of the hills, and across the hills. I  
16                  don't care how high the stacks are. That is a  
17                  natural wind corridor on La Cienega and LaBrea.  
18                  And your Staff, when they do the assessments, need  
19                  to take that into account, because it has not been  
20                  done in the past.

21                  The other is there is already another  
22                  polluter right there within the community. And  
23                  that is called a sewer. Now, when you add  
24                  pollution from the park coming down La Cienega, or  
25                  LaBrea, and you mix it with the pollution that

1 exists with the sewer, and that sewer pollution  
2 spreads through, because of the prevailing winds,  
3 all the way over here to Kane (phonetic), that's  
4 the next street right over here, and it goes all  
5 the way east. We live in that.

6 And so we would ask your Commission to  
7 make sure that the Staff work is adequately done,  
8 or at least we have a chance to pursue these  
9 issues, because it is a major issue.

10 Last, but not least, in terms of how the  
11 wind prevails. When the Staff has done -- when  
12 they have done other studies in the past, I have  
13 lived there for 34 years. And every summer we  
14 have summer fires. The helicopters come and they  
15 attempt to put them out, and they do a good job.  
16 A lot of the smoke goes up, but the prevailing  
17 winds bring it down the sides of the hills.

18 And so when the emissions come about  
19 from the equipment, or the stacks, or whatever you  
20 want to call them, or don't want to call them,  
21 they will be coming down the side of the hills to  
22 mix with the other pollution.

23 So we would ask once again that you have  
24 your Staff do a thorough assessment. And since  
25 there is not an EIR process, this is critical to

1 the health of the people within the community.  
2 And this is a long distance we're talking about.  
3 So with that, I'll stop. And I want to  
4 say thank you again for giving us a chance to  
5 speak to you.

6 (Applause.)

7 HEARING OFFICER BEHE: Thank you, sir.

8 PRESIDING MEMBER PERNELL: Thank you,  
9 sir.

10 MS. GREENE: Mr. Chairman, and Madam  
11 Hearing Officer. My name is Mary Ann Greene. I'm  
12 the president of the Blair Hills Association, an  
13 association of homeowners that lives in Culver  
14 City. We're on the east end of Culver City, and  
15 we're right across the street from La Cienega.  
16 We'll be just a little bit north of the exhaust  
17 stacks.

18 We understand and accept, and agree with  
19 the fact there is, in fact, an energy crisis, and  
20 we, as citizens, need to do what we can to  
21 conserve and to help make it better. We also  
22 support the development of power generators, but  
23 not in the midst of our planned urban park area.  
24 Not next to our Kenny Hahn Park, the only large  
25 recreational area that we have in this west -- in

1       the west part of the Los Angeles Basin. Not in  
2       the midst of a densely populated area, a park poor  
3       area where, as Mr. Garcia mentioned, there is only  
4       one park bench for every 10,000 persons, and not  
5       in the midst of the area that is designed to be  
6       high recreational use in the proposed park.

7               Everyone has spoken about these issues,  
8       and I -- I certainly won't reiterate them.  
9       However, this is the only generator that our  
10      investigation has shown has been -- is planned to  
11      be set in a conservancy -- in the conservancy  
12      boundary. There are no other conservancies in  
13      California that are facing this particular  
14      situation.

15             It is my belief that urban parks is as  
16      high a priority as electricity. We need them  
17      both. We should not be in the position of having  
18      to choose between parks and power. We don't think  
19      the Governor intended that. After all, he is the  
20      one that signed the legislation that created the  
21      Baldwin Hills Conservancy, which is designed to  
22      create the park. And he has also helped to make  
23      that \$50 million that we have so far spent  
24      available to -- to build the park. That money  
25      will be down the drain if that power plant goes

1 up, because it -- once it's sited there, there is  
2 no way that you can plan adequate, healthy,  
3 environmentally safe and friendly activities and  
4 recreation in the -- in and around that plant.

5 But I want to mention something else.  
6 Our homeowners association, Blair Hills Homeowners  
7 Association, are the ones that fought the  
8 development known as Vista Pacifica, which I'm  
9 sure you -- or perhaps you've heard of. That was  
10 a plan that was designed to put 241 homes on the  
11 hillside next to -- well, in our hillside. We  
12 fought them on -- and successfully fought them, on  
13 geological instability of the hillside. It was  
14 our contention, and we proved it to our  
15 satisfaction, and to obviously the state's  
16 satisfaction, that -- that you could not -- that  
17 that hillside could not support that kind of  
18 tonnage.

19 And I want to raise that same question  
20 here. One of the things that we found was that in  
21 -- in our investigations, we hired, of course, an  
22 eminent geologist. We also hired land use  
23 attorneys. One of the attorney groups that Mr.  
24 Garcia mentioned is the ones that we hired and  
25 successfully used.

1           The land -- our Blair Hills is a part of  
2           that same Baldwin Hills area. The same area that  
3           this power plant is to be -- is to be sited on.  
4           We know that it is geologically unstable. We know  
5           that. History has showed this, and the scientific  
6           results know -- show us, too, that the Baldwin  
7           Hills Dam was sited on that very site. One of the  
8           reasons that legislation was designed to create  
9           the park there as to assure that there would not  
10          be a significant tonnage in that area.

11           The process of oil extraction, which  
12          increases production, is known as irrigation --  
13          I'm sorry, re-injection. Water re-injection has  
14          -- is a process that's been used for years by  
15          Stocker Oil and other oil companies to increase  
16          the production of oil. Our geologists, and other  
17          scientific studies have shown that that process  
18          helps to de-stabilize the ground. We found  
19          perched water way underneath our homes, two and  
20          three hundred feet under -- under our homes. How  
21          -- how often we explain the fact, for example,  
22          that we also have homeowners at the top of the  
23          hill, top of our hill, who have pumps, who have to  
24          determine and have to monitor water levels on  
25          their sites. That's because the water re-

1 injection has been occurring for so long, and has  
2 plainly de-stabilized and put additional water in  
3 -- in the land.

4 The other thing that your Staff needs to  
5 examine is the -- is the earthquake -- the  
6 earthquake directions, and the number of  
7 earthquake faults that -- that flow right  
8 underneath that area, and the tributary faults  
9 that run off of the major Inglewood fault. There  
10 are two fault lines we know that run west of -- of  
11 La Cienega.

12 Site -- Staff analysis cannot get to  
13 that kind of scientific investigation. You need  
14 to have an EIR. And even though this is going to  
15 be fast tracked, I submit to you that if you're  
16 really serious about doing this, which I hope you  
17 are not, but if you are, you cannot reasonably  
18 expect to do an adequate job without having a full  
19 and comprehensive Environmental Impact Report  
20 which will report on these particular issues.

21 I would also like to suggest that your  
22 Staff, and I will give you the names, that your  
23 Staff contact our geologist, who is an eminent  
24 geologist out of MIT and Stanford, and who was one  
25 of the initial investigators of the Baldwin Hills

1       Dam faults -- faults on that site. That is very  
2       important.

3               A major question that needs to be asked  
4       is would that -- would that site support the kind  
5       of tonnage that they're talking about in -- in  
6       building these exhaust stacks and the buildings,  
7       and all the rest that go -- that goes with it,  
8       without -- without the potential for harm.

9               I want to make this one statement to the  
10       Energy Commission. I realize that your -- your  
11       position, of course, is to -- it's a very big one,  
12       a great challenge, and it is to provide additional  
13       resources for all of us. But I think, as  
14       officials of the state, you have a greater  
15       responsibility, and that is to ensure the well-  
16       being of all those constituents. And that  
17       includes us.

18              So I urge you to deny this application.  
19       I urge your Staff not to simply review the  
20       statistics that Stocker gives you, but that you do  
21       independent research. We found in -- in our fight  
22       with the developers that their basic assumptions  
23       were flawed. And our investigators and -- and  
24       geologists had to do additional work, and we --  
25       and that's how we found that their plans for

1       developing those homesites simply would not work,  
2       and could not be safe.

3               So I urge you to follow through with  
4       this kind of investigative process, and use  
5       scientific evidence. I will give you our  
6       geologist's name. And I can assure you, if this  
7       -- if this goes through, we will be monitoring  
8       every step. We'll be monitoring every process  
9       that is involved.

10              Thank you.

11              HEARING OFFICER BEHE: Thank you, Ms.  
12       Greene.

13              PRESIDING MEMBER PERNELL: Thank you.  
14              (Applause.)

15              HEARING OFFICER BEHE: Ms. Greene's  
16       comments raise an issue which is addressed in --  
17       questions on several of these cards, so I'll  
18       address them now, to the Applicant. Staff may  
19       also wish to have a comment.

20              The questions are from Rich Waters.  
21       What about the Inglewood/Newport fault that  
22       terminates at the proposed site.

23              And a question by M. Roseman, what about  
24       the Baldwin Hills earthquake fault. Where is the  
25       plant going to be in relation to it.

1                   Response by the Applicant? And then  
2           after we deal with this series of questions,  
3           Brenda Stevenson, and next, Milton Bassett.

4                   Sir.

5                   MR. WILBURN: Specifically, we've looked  
6           at the -- and one of the -- one of the siting  
7           criteria that we looked at was seismic stability.  
8           So we're aware of the fault. We have seen no  
9           indication that this power plant is inconsistent  
10          with any other siting criteria that the California  
11          Energy Commission came up with when they put this  
12          on their select -- excuse me, the final selection  
13          criteria for screening, and published that site.

14                  HEARING OFFICER BEHE: Thank you. Does  
15          Staff have a comment on the earthquake fault  
16          issue?

17                  SPEAKER: The only comment we would make  
18          is that we do evaluate geology hazards as part of  
19          our analysis in our -- and that'll be in our  
20          report.

21                  HEARING OFFICER BEHE: Thank you.

22                  Brenda Stevenson.

23                  MS. STEVENSON: Good evening. I would  
24          like to thank the Commission for allowing us to  
25          speak to these issues.

1                   I am going to speak, along with Irma  
2           Munoz, because we are the vice-presidents of the  
3           Baldwin -- one of the Baldwin Vista Homeowners  
4           Associations, the Punta Alta/Mantova Homeowners  
5           Association.

6                   I thought it imperative that I come to  
7           speak to this issue, because I am a homeowner and  
8           one very concerned about the proposed location for  
9           the energy plant. Irma and I live on Mantova  
10          Drive, and if we were to walk from our homes down  
11          the hill, if we could do through the fence, we  
12          would be at the location of this plant in less  
13          than five minutes. I mean, we -- we actually live  
14          on the hill just -- just above where the plant  
15          will be. We don't live across the street, we  
16          don't live looking at it; we live with it.

17                  And I personally, I mean, I -- I'm very  
18          much interested in the development of the park. I  
19          think it's going to be a wonderful -- it is  
20          already a wonderful resource. It's going to be a  
21          tremendous resource for my family and for my  
22          community. But I am most concerned, I think, with  
23          my community and the people who live there.

24                  My community is one -- it's a wonderful  
25          one. We're mostly professionals who are older,

1       who have a older constituency, as well as younger  
2       families. I personally, my husband and I chose to  
3       live there. We lived in Westwood for several  
4       years, but when our child was born we wanted to  
5       live in a racially mixed community, and we chose  
6       that area specifically for that reason. And also,  
7       because of the clean air. We are all asthmatics,  
8       my husband, I, and my daughter, and it's a very  
9       clean area where we live.

10               It's also quite beautiful. I can walk  
11       out of my door any time and see raccoons, and  
12       squirrels, and we even saw a fox the other day.  
13       Beautiful birds. It is just really lovely. And I  
14       can't explain to you the beauty of the community,  
15       and the beauty of the people who live there.  
16       We've committed ourselves to this community,  
17       although we are substantial taxpayers, we don't  
18       receive the same kinds of resources that other  
19       communities in Los Angeles receive, whether they  
20       be public services, or educational resources, et  
21       cetera.

22               We've stayed there. We've committed  
23       ourselves to staying there in the face of  
24       sometimes political unrest, in the face of the El  
25       Nino rains. Particularly on my street, we all

1       were damaged severely. I, myself, sustained  
2       \$200,000 worth of damage from the El Nino rains.  
3       We stayed, though, because we love the community,  
4       and because of what it has to offer.

5               This plant, however, would change  
6       everything, in my estimation. I can stay through  
7       many things, because I love my community. But I  
8       cannot endanger the health of my child. And I  
9       don't want to endanger my health, as well. I  
10      don't want to lose the natural beauty of that  
11      community. I don't want to lose the people who  
12      may leave the community as a result of this.

13             So I ask you to think very, very  
14      seriously about this application. I realize that  
15      California is in the midst of a very serious  
16      energy crisis that we are all concerned with. But  
17      I also would like to reiterate the fact that there  
18      are other concerns, too, for the people who live  
19      there. We would like to help, but we would not  
20      like to sacrifice literally our way of life at  
21      this point.

22             PRESIDING MEMBER PERNELL: Thank you.

23             (Applause.)

24             MS. MUNOZ: I would like to thank the  
25      Commission for inviting this evening. I'd also

1       like to give a special thanks to Senator Murray,  
2       who -- it's very rare for a politician to stay  
3       from the beginning to end on a very important  
4       matter, so a special thanks for you still being  
5       here.

6                       (Applause.)

7               MS. MUNOZ: I'm a very proud homeowner,  
8       only three years. And I've made a couple of  
9       observations while I've been sitting here. I've  
10      worked for government. I support government. And  
11      I've been a voter since I turned 18. It's going  
12      to take 30 years to build a beautiful park next to  
13      where I live, because I live a 30 second walk from  
14      the park. But yet it's only going to take four  
15      months to build a power plant and less than 21  
16      days to get that permit, which is less than I can  
17      get my own driver's license.

18              My observation is, frankly, that I don't  
19      know enough about the power plant. But I can tell  
20      you that power plants scare me. And I can tell  
21      you that I can't even imagine the impact that it's  
22      going to have on the air, on the environment, on  
23      the beautiful wildflowers and the animals that I  
24      see.

25              We have focused a lot on the fact that

1       the power plant's going to be in the middle of a  
2       park. I'm just as concerned about the folks that  
3       live right next to the park. Not just myself, but  
4       everyone else. And I was really disappointed and  
5       troubled, and felt that it was a -- a -- I'm not  
6       sure of the word I want to use without being  
7       offensive, but it was kind of deceptive, the  
8       little tour that we took. And it was deceptive  
9       because if I were someone coming from out of town,  
10      riding that bus up La Cienega, and would've seen  
11      that blighted area where we have the oilfield, I'd  
12      say hey, let's put a power plant here. Who's  
13      going to be affected? There's nothing here but,  
14      you know, what looks like a big, giant empty  
15      ground parking lot, with oilfield rigs.

16                But the matter is, is that if you go  
17      just around the corner, either way, north, south,  
18      east, or west, there are beautiful homes,  
19      beautiful neighborhoods, children, seniors  
20      walking, people walking their dogs. And none of  
21      that was part of the tour.

22                So I would especially like to invite the  
23      folks, when they come back on June 11th, for them  
24      to extend that tour, as Senator Murray has invited  
25      you, so that you can see where we live. And

1       that's why we are here, because we are very  
2       concerned about that. I have never heard of a  
3       power plant being planted right in the middle of a  
4       city, of a neighborhood, of a community. Maybe I  
5       don't know where power plants are located. But  
6       they definitely are not located right in the heart  
7       of where people live, shop, and have families and  
8       children. That's the bottom line.

9               And I, too, agree that most, if you look  
10       at where most junkyards are placed, and most  
11       things that impact the environment, they're placed  
12       where folks of color live, because we don't --  
13       people think that we're not going to speak up or  
14       speak out. But I'll tell you, since I've lived in  
15       this community, it is the most caring, involved  
16       community, and they're the most empowered  
17       community who will speak out and argue against  
18       this power plant.

19              And on the issue of being a good  
20       neighbor. I am so glad to meet the folks from the  
21       oil rigs, because I have been very disappointed,  
22       but I consider that what I see when I drive down  
23       Stocker is blight. There is no vegetation,  
24       there's no landscaping. For me, a good neighbor,  
25       when my -- when I had this ivy and a bunch of mice

1 coming out of it, when we just moved in here, the  
2 neighborhood said clean up this yard, it looks  
3 terrible. I will tell you, I am embarrassed when  
4 I have folks coming from all over the country to  
5 visit me, I avoid Stocker and passing those oil  
6 rigs because there's no landscaping. It's a  
7 blight to the neighborhood. It looks terrible. I  
8 mean, you think you're not even in the City of Los  
9 Angeles.

10 And I would encourage this to be an  
11 opportunity to work even harder so that we can  
12 eliminate some of that blight, and plant some  
13 beautiful vegetation all along, as we see the --  
14 the oil rigs.

15 Thank you so much.

16 (Applause.)

17 PRESIDING MEMBER PERNELL: Thank you.

18 HEARING OFFICER BEHE: Milton Bassett,  
19 and then Jonathan Tunnell.

20 MR. BASSETT: I'm Milton Bassett. I'm  
21 with the Baldwin Hills Estates Homeowners  
22 Association. We represent about 1,000 households  
23 due east of Kenneth Hahn Park. It's contiguous to  
24 it. And the fumes from the stack would come right  
25 into our community.

1                   But what I want to really talk about, I  
2           could talk about the vast disparities between park  
3           areas, public areas, in this area of the city.  
4           You take south, with Santa Monica Mountain. And  
5           Norco there, there's vast park areas. South of  
6           Santa Monica Mountain is -- there's a dearth of --  
7           of public areas. From the ocean to Whitaker  
8           (phonetic), you have very few parks.

9                   But what I want to talk about is the  
10          need for that power plant to be there. As you  
11          know, a hydro-electric plant must be where the dam  
12          is located. That is not true for a gas generated  
13          plant. Gas and electricity are both very  
14          portable. There is a gas line going through that  
15          area, and one of the spokesmen says they feed gas  
16          into that line. There is no reason why that gas  
17          power generated plant couldn't be located  
18          elsewhere. There's no reason at all. And gas and  
19          electricity, can be portable. They can feed the  
20          gas into the Southern California line, take it  
21          wherever they want to generate the electricity.  
22          Take it out and just account for it.

23                   So there is no reason, so therefore,  
24          that plant should not be built there, period.  
25          Thank you.

1 HEARING OFFICER BEHE: Thank you, Mr.  
2 Bassett.

3 PRESIDING MEMBER PERNELL: Thank you.  
4 (Applause.)

5 HEARING OFFICER BEHE: Mr. Tunnell.

6 MR. GARDENER: If I might have a moment.  
7 My name is Joseph Gardener. I'm the President of  
8 the Baldwin Hills Estates Homeowners Association.  
9 I did not ask to speak this evening because Mr.  
10 Bassett wanted to speak.

11 But let me say that I have one question.  
12 Where will this final decision be made, in  
13 Sacramento?

14 PRESIDING MEMBER PERNELL: Yes.

15 MR. GARDENER: On what date?

16 PRESIDING MEMBER PERNELL: I don't think  
17 we have a date yet. It kind of depends on the  
18 proceedings. But it will be made at a Business  
19 Meeting of the Commission in Sacramento.

20 MR. GARDENER: And let me ask one other  
21 question. You are the only Commissioner here  
22 today. How will you get this information to the  
23 other four Commissioners, and how will they have a  
24 feeling for our community, based on the fact that  
25 they weren't here tonight?

1                   PRESIDING MEMBER PERNELL: The way the  
2 process works, sir, is Staff will do their  
3 assessment. I will do a Commissioner's  
4 assessment, and then give that to the other  
5 Commissioners. So they will have -- that's why  
6 it's important to be on the record. They will  
7 have, and they also will have, if they want to  
8 review the -- the tape that we're -- this  
9 proceeding is being taped, so we have a record  
10 that they can go to, any Commissioner.

11                   We are -- we're five Commissioners,  
12 we're doing peaker plants and other plants, as  
13 well as conservation, so we're -- we spread it a  
14 little thin on these smaller peaker plants, one  
15 Commissioner makes up the Committee. But that  
16 Commissioner's report has to go to the other  
17 Commissioners in a timely fashion, so that when  
18 they have the meeting they will be -- they will be  
19 able to read the record, and vote accordingly.

20                   MR. GARDENER: You may consider it to be  
21 a small plant, but it has a major impact on our  
22 community.

23                   PRESIDING MEMBER PERNELL: I -- sir, I'm  
24 not speaking -- I realize that it's a major impact  
25 on your community. When I say small plant, we are

1       licensing some thousand megawatts; this is 54.

2                   (Comment from the audience.)

3                   SENATOR MURRAY:   Assemblyman Wesson and  
4       I do have -- Assemblyman Wesson and I do have  
5       every confidence that Commissioner Pernell, who is  
6       a friend of ours -- and who, frankly, has to live  
7       with us for a very long time in Sacramento -- will  
8       communicate your comments to his -- to the  
9       Commissioners.   He's been extremely -- I mean,  
10      it's a short process and I recognize that, but  
11      he's been extremely forthcoming with information  
12      and accommodations to at least Assemblyman Wesson  
13      and I.

14                  So we -- we -- we should question the  
15      process, but I hope nobody really wants to  
16      question the sincerity of the Commission.

17                  PRESIDING MEMBER PERNELL:   Thank you.

18                  HEARING OFFICER BEHE:   Thank you,  
19      Senator.

20                  Mr. Tunnell.

21                  MR. TUNNELL:   Yeah.   My name is Jonathan  
22      Tunnell.   I represent Mia Tunnell, three years  
23      old, and I represent Malcolm Tunnell, who's five  
24      years old and an asthma sufferer.   I live in View  
25      Park.

1                   And I'm here, and I had a question, and  
2           I still haven't gotten an answer for this. I rode  
3           with Mr. Johnson. He was -- we had a nice ride.  
4           I tried to show him around folks as much as I  
5           could, and point out the things that you didn't  
6           see along the ride. So I bent his ear the whole  
7           time.

8                   But what I wanted to say was this  
9           particular power plant, this request, this  
10          application, shouldn't be on a 21-day track. And  
11          nobody has still explained to me how it even got  
12          on a 21-day track, because it does have  
13          environmental impacts because it is only 200 yards  
14          away from a park, and the exhausts will be  
15          directly going into a lake, which people fish in.

16                   That was not the -- when Gray Davis  
17          signed this act, that was not the use of the act  
18          that he intended. This act was intended to be  
19          used in places, such as if you had an abandoned  
20          tire factory someplace, you could take it and you  
21          could use your 21-day process there. It was not  
22          intended for this. This plant should be on a --  
23          on a four-month process, because it does require  
24          environmental review.

25                   I think it was a mistake by whoever in

1       your Staff said yes, oh, that -- yeah, it meets 95  
2       percent. But I'm sure that Stocker never told  
3       them it was only 200 yards away from a park. And  
4       where people will be fishing, and kids will be  
5       playing. And I'd really like an answer to that,  
6       as part one. So I think on that reason alone, the  
7       application should either be denied or it should  
8       be sent back to the Applicant, and sent through  
9       the proper channel so that you can get the  
10      environmental review. The gentleman from Stocker  
11      already told you, and the lady from the Air  
12      Quality Commission. They didn't even send you the  
13      right model. The application is incomplete.

14               And then on top of that, they're going  
15      to pump the water back into the ground. All  
16      right. They're already pumping it in to get the  
17      oil out, but now they're going to be pumping 340  
18      gallons per minutes back into the ground. When  
19      they do that, that water is not just going to go  
20      into the ground and go away. Where is it going to  
21      go? It's going to go wherever it can.  
22      Eventually, it's going to rise back to the  
23      surface. It's going to go right down to that  
24      creek, right down to that lake where people go  
25      fishing, and you can't tell me that doesn't

1       require an environmental impact study. You cannot  
2       sit here and truthfully and honestly tell me that  
3       your Staff can sit here and take care of that.  
4       They can't. They've never been here.

5               There is no one here -- and this is  
6       important for the rest of you to realize, too --  
7       that there is not one representative here from Los  
8       Angeles County. Where is Ms. Burke? Where is  
9       somebody from Regional Planning? There is no one  
10      here to represent our interests, to actually have  
11      something invested in this community, other than  
12      us.

13             I -- I don't mean you any harm, and I  
14      don't mean you guys any ill will. But none of you  
15      have anything invested in this community. But you  
16      have the ultimate power to make a decision without  
17      having all the proper facts, in 21 days. It can't  
18      be done.

19             Now, also, there is a land use issue  
20      here. There is an improper land use. If you look  
21      at Section 9, Item 1, of their application, they  
22      go through pains to talk about page LU-A7, Section  
23      4 of the Open Space Charter of Los Angeles County.  
24      The only way they can get around this open use --  
25      land use process is by going through you, and

1       that's why they went through the 21-day process,  
2       because when they signed their lease in 1990, they  
3       knew that this land was already designated as open  
4       space and zoned as open space for Los Angeles  
5       County, which meant that a power plant could not  
6       go on there.

7               Now, I'm not just saying that. I'm just  
8       a homeowner, but what I've had to do is this week,  
9       I went to see Ms. Burke, and she's still not here.  
10      I went to Regional Planning, and I went to see Mr.  
11      Craythorn (phonetic), who is referenced in here,  
12      where they say there is no height restriction on  
13      A2 zone. Yes, it is an A2 zone, but it is an open  
14      -- an open space area within an A2 zone, which  
15      means that it is heavy industrial at this time,  
16      but there can be no development on it. There can  
17      be no structural development.

18             But you don't have anybody here from the  
19      Regional Planning Department to tell you that. So  
20      what that means is what they would need to do, if  
21      this went through the normal channels, which it is  
22      not at this point, that means that they would have  
23      to get a zoning change. They would have to do a  
24      CPU, which they talk about in this report, but who  
25      do they give the CPU to? I haven't seen it.

1                   Now, also, they would have to do -- that  
2           would call for Los Angeles County to change the  
3           Los Angeles County General Plan, of Los Angeles  
4           County. So this would not just be a simple zoning  
5           change. You would actually have to change the  
6           General Plan for a county. So I don't know if  
7           that's legal. I don't know if it's not legal.  
8           But I do know that it is in a non-compliance with  
9           -- I can't remember the term she used, but if  
10          there's a reason for rejection, that's a reason  
11          for rejection, because the land is not to be used  
12          that way. It was clearly stated. Stocker  
13          Resources knew that before they came with this  
14          project, and they knew it before they took the  
15          lease on the land. And the only way they can get  
16          around that to get this thing done is through you.

17                   So I just wanted to come up here and  
18          give you some factual information, and to let you  
19          and the people here understand that this is not  
20          going down the right track. And I know that some  
21          people around here on the Staff are aware of it.  
22          We picked the wrong place. This shouldn't have  
23          been on here.

24                   (Applause.)

25                   MR. TUNNELL: But I'd like to thank you

1       for the opportunity to speak. Again, I'm not  
2       aligned with anyone here. I'm just a resident.  
3       And I hope that there's some lawyers out here,  
4       legal defense fund or something else, who will  
5       check into this and see what options we have,  
6       because it's not right. And everybody knows it  
7       should go down the four-month track, not the 21-  
8       day.

9                   And I'd like somebody here to tell me  
10      why it can go down the 21-day track when it's only  
11      200 feet away, and it's not within the spirit of  
12      the law that Gray Davis wrote. I'm not defending  
13      Gray Davis, but I know what that law was meant to  
14      do, and this is not what it was meant to do.

15                   PRESIDING MEMBER PERNELL: Thank you.

16                   (Applause.)

17                   SENATOR MURRAY: Commissioner --

18                   PRESIDING MEMBER PERNELL: Yes, Senator.

19                   SENATOR MURRAY: -- just to focus that  
20      question a little bit. Is there a process to  
21      challenge whether or not the 21-day process is  
22      applicable? Is there some threshold process by  
23      which you could say -- someone could make that  
24      argument, or do you just have to go through this  
25      process and get turned down on it? Maybe that's

1       for --

2                   PRESIDING MEMBER PERNELL:   Roger, could  
3       you address that, please?

4                   MR. JOHNSON:   The reason this project  
5       qualifies for the 21-day process is because of the  
6       ability for it to be online and generating  
7       electricity by September 30th of this year.   That  
8       was the -- that's the requirement for meeting the  
9       emergency.

10                  Someone mentioned earlier that we --  
11       we're subsidizing.   Well, you might think of it  
12       that way, but maybe not.   What happened is in  
13       order for us to meet the energy emergency, to get  
14       enough generation, new generation online, to shave  
15       the peak to make sure that we have enough  
16       electricity, we need to get generation on this  
17       summer.   And so you have a 21-day process for  
18       those projects that are simple cycle, which this  
19       is, and it can be online by September 30th of  
20       2001.

21                  SENATOR MURRAY:   You mentioned in your  
22       earlier presentation that something that would  
23       make it not qualify for the 21-day process are  
24       what you termed fatal flaws.

25                  MR. JOHNSON:   Yes.

1                   SENATOR MURRAY:   So can someone make  
2                   that argument to again argue it shouldn't be part  
3                   of the 21-day process?

4                   PRESIDING MEMBER PERNELL:   I think the  
5                   answer is yes.

6                   SENATOR MURRAY:   Okay.   Clearly, the  
7                   community is making that argument, and so --

8                   MR. TUNNELL:   So thank you.   And then  
9                   also, like I said, really look at the open land  
10                  use issue, because you are, then, basically  
11                  usurping what the county has already planned.  
12                  This isn't just a private piece of property.   It  
13                  was a private piece of property that was taken  
14                  over with the pre-knowledge that it was an open  
15                  land use area, not to be developed.

16                  So, again, thank you for your time.

17                  (Applause.)

18                  HEARING OFFICER BEHE:   Thank you.

19                  PRESIDING MEMBER PERNELL:   Thank you.

20                  HEARING OFFICER BEHE:   Richard Levin,  
21                  and then Diba Hargis (phonetic).

22                  (Comments from the audience.)

23                  HEARING OFFICER BEHE:   Oh, I believe Mr.  
24                  Johnson's answer was it is in the 21-day process  
25                  because it meets the threshold requirement of

1           being online by September 30th.

2                   Is that correct, Mr. Johnson?

3                   MR. JOHNSON: That's correct.

4                   (Comment from the audience.)

5                   HEARING OFFICER BEHE: That's it.

6                   MR. JOHNSON: That's correct.

7                   HEARING OFFICER BENE: Is there any  
8           other criteria for the 21-day process?

9                   (Comment from the audience.)

10                  SENATOR MURRAY: No. No, my full  
11           understanding -- I'm not a Staff member, but my  
12           full understanding is that even though there is a  
13           shortened process, there's not a law that they get  
14           exempted from. They're just exempted from process  
15           oriented things. So we clearly, and correct me if  
16           I'm wrong, Commissioner, clearly the argument that  
17           is a significant argument is this whole fatal flaw  
18           concept, and whether or not it should be sited  
19           properly close to a park, whether or not -- one of  
20           the basic criteria for siting a plant, whether  
21           it's an expedited process or not an expedited  
22           process, is whether or not it conforms with local  
23           land use planning. I believe that that's a  
24           statutory, or at least a regulatory requirement.  
25                   Am I not correct about that? You can

1       argue whether or not it really does violate the  
2       plan, but it's my understanding that these things  
3       must comply with local land use planning.

4               PRESIDING MEMBER PERNELL: I think that  
5       if it needs a general plan amendment, or some  
6       other type of land use zoning, that it would be --  
7       it would take too long to get that -- or maybe  
8       not. I'm not sure how the county works. But we  
9       are in a -- we are in a 21-day process, so if it  
10      needs -- and I don't know, there's some -- I'm  
11      sure that we're going to check this out, but if it  
12      needs a general plan amendment or a re-zone, and  
13      that has to go through the county, then that will  
14      take some time, and will not --

15             SENATOR MURRAY: And it clearly --

16             PRESIDING MEMBER PERNELL: -- allow us  
17      to --

18             SENATOR MURRAY: -- it clearly require  
19      an air quality certification by the Air Quality  
20      Management District.

21             PRESIDING MEMBER PERNELL: That's  
22      correct.

23             (Comment from the audience.)

24             PRESIDING MEMBER PERNELL: Ma'am, you're  
25      going to have to come to the mic and identify

1           yourself for the record, please.

2                   HEARING OFFICER BEHE:   And Mr. Johnson,  
3           did you have anything to follow up on that?

4                   MR. JOHNSON:   Not right now.

5                   HEARING OFFICER BEHE:   All right.  
6           Ma'am.

7                   MS. JONES:   I'm sorry, I have a cold,  
8           but I have to say what I have to say.   My name is  
9           Rhonda Jones, and I'm a homeowner in both Baldwin  
10          Hills and Ladera Heights.   And my family has lived  
11          in the community since 1974, and I'm gravely  
12          concerned about any power plants being built  
13          anywhere near my community.   In fact, anyone's  
14          community.   And after this, I have a challenge for  
15          you when I'm done.

16                   But my -- my question to you is to  
17          please, publicly put in writing in our community  
18          newspapers, a response to this gentleman's  
19          question so that all community members, taxpayers,  
20          can be informed as to whether or not there is some  
21          form of a hoax going on here, where this open land  
22          should not be developed, since it is so close to a  
23          park.

24                   That's all we're simply asking.   Don't  
25          pull the wool over our eyes and trick us, and 30

1       years later we're all standing here with cancer,  
2       realizing that it was because of this power plant.

3               And in closing, being a homeowner, my  
4       concern is that once this power plant is built,  
5       and we don't have the park that we all hope for,  
6       and I go to sell my property, what's going to  
7       happen? Property values will be substantially  
8       decreased, and then I'm going to come to Governor  
9       Gray Davis and ask him what is he going to do  
10      about it. And in closing, I challenge both of  
11      you, wherever you live, put a power plant in your  
12      yard; then put one in mine.

13              (Applause.)

14              HEARING OFFICER BEHE: Richard Levin.  
15      And then Diba Harges.

16              Mr. Levin? Diba Harges?

17              MS. HARGES: Good evening, and I'd like  
18      to thank the Commissioner, and also the CEC Staff.  
19      I'm really pleased to be here, and I'd like to  
20      also say I'm really pleased to see so many of my  
21      neighbors, I've lived here for 17 years, that are  
22      here this evening, showing up. I think it's  
23      wonderful.

24              I want to take my hat -- I want to say  
25      hats off to the CEC. I think you're in the

1       incredible challenges that you have in front of  
2       you with this energy crisis, just statewide,  
3       you've got to make all these decisions that are  
4       going to hopefully, over history, are going to  
5       show that you got us through a very tough period  
6       of time in California here.

7               But there's also some other history  
8       going on here. As Diane Watson mentioned earlier,  
9       and Senator Murray, there's been many, many years,  
10      and this is diverse people, all of us coming  
11      together to do something, to build this beautiful  
12      park. This is a vision. And that's going to be  
13      something historic. And let's not rewrite history  
14      here. This is very important.

15             The only other thing I wanted to say  
16      was, again, about location, location, location.  
17      I'm a property owner here. And location,  
18      location, location, that term does not refer --  
19      that refers to keeping the property desirable.  
20      Nobody wants to buy your property when you're  
21      selling it, when it's next to a power plant.

22             Thank you.

23             (Applause.)

24             PRESIDING MEMBER PERNELL: Thank you.

25             HEARING OFFICER BEHE: Lloyd Dixon.

1 Lloyd Dixon? Yuki Kidokoro?

2 MS. KIDOKORO: Hi. Thanks for this  
3 opportunity to speak. My name is Yuki Kidokoro,  
4 I'm with Community for a Better Environment.  
5 We're a statewide environmental justice  
6 organization. In southern California we primarily  
7 work along the communities along the Alameda  
8 corridor, and we recently successfully fought a  
9 power plant that was going to be planned for the  
10 City of Southgate.

11 And we were concerned about that power  
12 plant because it was going to be located -- well,  
13 because of the health impacts that it would have  
14 on that community, which is already overburdened  
15 by many, many sources of pollution. And during  
16 that campaign, we were kind of accused of being  
17 NIMBYs, not in my back yard. And I'm here to say  
18 -- here today to say not in anybody's back yard,  
19 especially in communities of color that have been  
20 historically targeted for unwanted land uses.

21 So not -- not in Southgate, not in  
22 Baldwin Hills, and not in Blythe, where there's a  
23 farmworker community that's also fighting a power  
24 plant.

25 One other chemical, if I understand

1       correctly, that this power plant may be emitting  
2       is ammonia. And I just wanted to mention, in  
3       addition to particulate matter and nitrogen  
4       oxides, ammonia is a very hazardous chemical to  
5       people's health. It can cause pulmonary edema,  
6       which fills your lungs with liquid. Pneumonia,  
7       hospitalization, and damage to the eyes, among  
8       other health impacts.

9               I also want to join the call, the  
10       challenge. You know, are you willing to live  
11       downhill, downwind from this power plant. Those  
12       of you who are going to benefit the most from  
13       this, I think that should be kind of a challenging  
14       point. If this is going to be an acceptable  
15       development for somebody's neighborhood I think  
16       you should be the first one to live there.

17              Also, when you're talking about rates --  
18       rate, you know, the energy rates, the cost of  
19       energy, you know, talk about the energy crisis. I  
20       think it's important to note that during the times  
21       when there was a huge rate increase, when it went  
22       through the roof, the demand for energy actually  
23       only increased five percent when -- when the rates  
24       went up through the roof. And I think that it's  
25       important to note that -- that it's not just about

1       needing more energy. It's also about deregulation  
2       being a prime source of the -- the problem and the  
3       crisis that we're in today.

4               So while -- while there is some  
5       scarcity, I'll admit to that, there are many  
6       options. And some people talked about them.  
7       Conservation measures, and many conservation  
8       measures that haven't been looked into.  
9       Alternative energy sources. During our campaign  
10      we had a -- a big concert in the park, and it was  
11      completely solar powered. People talk about solar  
12      power as not feasible, but, you know, we -- we  
13      held a whole event, all day long, solar powered.

14             And so -- and if you're going to need to  
15      build power plants, I think you just need to do it  
16      not where people are going to be living and  
17      playing.

18             So, finally, in the face of crisis,  
19      we're in this energy crisis, in the face of crisis  
20      I think to site a power plant and to harm the  
21      health of children where they live and where they  
22      play, should not even be an option. Thank you.

23             (Applause.)

24             HEARING OFFICER BEHE: Thank you.

25             PRESIDING MEMBER PERNELL: Thank you.

1                   HEARING OFFICER BEHE:  Sheila Smith, and  
2                   then Heidi Creve.

3                   MS. SMITH:  I want to thank the  
4                   Commission for attending to something that is  
5                   vital to all of us.  And I do mean not only the  
6                   communities that surround the proposed park area,  
7                   but to Los Angeles.  And we have to be concerned  
8                   about all of our citizens.

9                   It concerns me that the word "expedite"  
10                  and September 30th is being used as a kind of  
11                  euphemism.  Does it mean that we can allow  
12                  anything to happen as long as it takes place by  
13                  September the 30th?  I don't think so.  But that's  
14                  what I'm hearing.

15                  And at a time when we desperately need  
16                  resources for open space, and well-planned parks,  
17                  when we need educational facilities, a well-  
18                  planned park becomes really a living laboratory.  
19                  We need that.  We need that for ourselves, and we  
20                  need that for our children.  We need to leave a  
21                  legacy in Los Angeles, and we need to leave a  
22                  legacy for our community.  And as thinking adults  
23                  -- and we would want everyone to think that that's  
24                  what we're doing -- as thinking adults, that  
25                  legacy should be positive.

1                   You'd have to be on a campus at Baldwin  
2                   Hills Elementary School. You'd have to be there  
3                   and watch when the children have to go inside  
4                   because of the stench. You'd have to be there to  
5                   see how much the stench from the sewage plants  
6                   affect both the neighborhood and young children  
7                   playing. But you know what? That was okay'd by  
8                   the environmental impact. It's all right. Except  
9                   you'd have to be there.

10                   I have been there. I certainly have  
11                   been there as thousands of children waited for a  
12                   necessary high school at Belmont. They still need  
13                   a high school. Someone okay'd that building  
14                   there. And was it not an impact study, also.

15                   I do not think that we can afford a 21-  
16                   day quick fix euphemism for what is going to be a  
17                   very negative legacy. Thank you.

18                   (Applause.)

19                   PRESIDING MEMBER PERNELL: Thank you.

20                   HEARING OFFICER BEHE: And after Ms.  
21                   Creve, Cheryl Cook, please.

22                   MS. CREVE: My name is Heidi Creve,  
23                   representing the Fox Hills Neighborhood  
24                   Association. Our community is also among the  
25                   strongly opposed to a power plant on the site of

1       our envisioned park, which would enhance the  
2       quality of our lives and that of generations to  
3       come. Could you and the community, as Conservancy  
4       International, consult Supervisor Burke regarding  
5       the 21-day process.

6               We also urge you and the Applicant to  
7       research appropriate locations.

8               (Applause.)

9               PRESIDING MEMBER PERNELL: Thank you.

10              HEARING OFFICER BEHE: Ms. Cook.

11              MS. COOK: Hello. My name is Cheryl  
12       Cook, and I know everybody's tired so I'm going to  
13       try to make this quick.

14              I live in Ladera Heights, which is just  
15       south and west of the proposed power plant. And I  
16       love my community, but I don't want to die here  
17       early. I want to die in this community, but not  
18       early. Okay. I want to live here a long time.

19              And I've heard a lot of people say  
20       tonight it's an African-American community. And  
21       it is, on parts of it, but in my neighborhood it  
22       is racially mixed, and that makes me feel so good  
23       when I go to my neighborhood and I see my neighbor  
24       is white, I have an Oriental, I mean, it's -- it's  
25       a model neighborhood that I wish the whole world

1       could be reflective of. But, you know, we need  
2       more communities like that.

3               Now, I would like to say that I bet if  
4       it wasn't for this 21-day process, Stocker  
5       Resources and La Jolla would never even apply,  
6       because they know it wouldn't have gotten through.  
7       And it's sad that they can take an opportunity  
8       like this and -- and ram something down our  
9       throats that's going to -- that we're going to  
10      suffer for for many, many years. And I hate to be  
11      cynical, and I don't want to be cynical, but I  
12      keep hearing about this power crisis. And  
13      granted, we -- we probably have one. But I can't  
14      help but remember 20 years ago, with the so-called  
15      oil crisis, and once our prices went up through  
16      the sky, we had plenty of oil.

17             So I -- I feel that in six months, when  
18      -- when I think there will be no more crisis. I'm  
19      tired, I'm nervous, too, but I want to get my  
20      points across.

21             Okay. Now, last -- a couple of years  
22      ago, I got on a committee to get a wrought iron  
23      fence in our community. It took us almost two  
24      years to get a wrought iron fence. Now you're  
25      going to tell me you're going to put a power plant

1 in in my community in three months, in less than  
2 three months. I -- my first question is, I'd like  
3 to see how fast you can get it in Playa Vista.  
4 And there's plenty of land over there. But I bet  
5 it would never fly. Never fly.

6 (Applause.)

7 MS. COOK: The other thing I'd like to  
8 say. Commissioner Pernell, you had asked a  
9 question of Ms. Feldman about were there any  
10 endangered species. I don't want to be put on  
11 that endangered species list. Okay. I want to  
12 live, and I want my six-year old son, who I would  
13 rather have been home tonight putting him to bed  
14 and kissing him good-night, but I'd rather be here  
15 because this is more important. And there have  
16 been many days I love going to look at Kenneth  
17 Hahn Park, taking my son and his kids -- his  
18 friends, and our dog, to run and frolic in the  
19 fields. And I want to see that for 30 years. I  
20 don't want a power plant.

21 So I guess that's all I have to say.  
22 And in closing, give me blackouts. That'll help  
23 cut my energy bill, okay? So give me blackouts.  
24 Don't give me a power plant. I -- I'll read a  
25 good book, okay? Thank you.

1 (Applause.)

2

3 PRESIDING MEMBER PERNELL: Thank you  
4 very much.

5 HEARING OFFICER BEHE: We have gone  
6 through all of the cards, I believe, of those  
7 individuals who indicated they wanted to speak.  
8 There are also cards which have lengthy statements  
9 on them, and those are part of the record. The  
10 cards are exhibits in this proceeding. And I  
11 believe we have one more gentleman who has a  
12 comment to make on the record, and then we'll turn  
13 it over -- two more people.

14 Ms. Sarnoff, I think you can get there  
15 first. And then we'll take you, sir. You can  
16 come on down, so you'd be ready to speak.

17 Ms. Sarnoff.

18 MS. SARNOFF: I'm Ruth Sarnoff, and I  
19 live in Santa Monica now, but I lived in Culver  
20 City for about ten years. And I love this area.

21 And I wanted to -- I don't know who said  
22 it, but someone said if the people lead, the  
23 leaders will follow. And I think that tonight has  
24 shown, it's a night where there's been a great  
25 deal of leadership coming from the community. And

1 I would urge the Commission to recognize the  
2 wisdom of all the organizations and the  
3 associations, and the people coming here,  
4 speaking.

5 I have, in the recent period, because of  
6 some other circumstances, had the opportunity to  
7 become very aware of the terrible pollution in the  
8 southeast part of Los Angeles, in particular where  
9 you have a multiple numbers of sources of -- of  
10 pollution. And these same communities now are  
11 also being threatened with a power plant that had  
12 been functioning at 30, 40 percent of capacity for  
13 some time, because they're too dirty to, quote,  
14 run 100 percent of the time, that now are going to  
15 be going online, and I think some of them already  
16 are being run at higher capacity. And I think  
17 there's some real dangers involved to a lot of  
18 communities.

19 And this is -- this particular community  
20 is a community with many immigrants, and many  
21 Spanish-speaking people, and I think that -- that  
22 the whole question of whose community to put these  
23 power plants in, if we're going to have them, I  
24 live in Santa Monica. It's blue skies. Let it --  
25 you know, if they were so non-polluting, then they

1       would be putting them in Pacific Palisades, in  
2       Santa Monica, and the Marina, and stuff. And I  
3       think it's time to look at who -- where these  
4       plants are going. This charge of environmental  
5       racism is not a -- a nothing charge. It is an  
6       important consideration.

7                       And the other thing I want to say is the  
8       recent Supreme Court decision which now makes it  
9       much more difficult for people in local  
10      communities to do things based upon class action  
11      suits, or based upon the fact that services and  
12      certain kinds of rights are being violated, are  
13      going to have a harder time because of the recent  
14      Supreme Court decision. And I -- I think that  
15      that's to do with the Civil Rights Act of 1964.

16                     And so I just -- I just hope that the  
17      Commission will, number one, play the tapes from  
18      tonight for all those Commission people, and also  
19      tell us here tonight how we get copies of the tape  
20      so we can tell other people in this community  
21      about it. Bring out twice as many --

22                     (Applause.)

23                     PRESIDING MEMBER PERNELL: Thank you.

24                     (Comments from the audience.)

25                     MS. PENNY: I'm Patricia Penny, I'm a

1 real estate broker, and I've lived in this  
2 neighborhood since I was seven years old. And my  
3 daughter lives on Don Tepia (phonetic), my mother  
4 lives on Don Felipe, and I live on Don Ortega.  
5 And I have many, many people that I've sold  
6 property to, including you, Cheryl.

7 And I'm very, very concerned about the  
8 park, because I walk every other morning in the  
9 park at 5:30. But besides the park, it's very  
10 important to me about the property values. We  
11 have properties in this neighborhood that run from  
12 225 to a million seven, and I personally know that  
13 a power plant would severely impact the value of  
14 our properties. And that's very, very important  
15 because I hope that my grandchildren will be able  
16 to leverage their parents' property to go to  
17 college, as my parents did theirs to send me to  
18 college.

19 So that's very, very important. And I'm  
20 just wondering, have you, or did you do any type  
21 of study to -- to find out the effect that the  
22 power plant would have on property values?

23 HEARING OFFICER BEHE: I'll let the  
24 Applicant answer that. Sir, was that part of your  
25 study?

1                   MR. WILBURN: It was not a specific part  
2 of our study.

3                   HEARING OFFICER BEHE: Thank you.

4                   And, sir. Not you, this gentleman.

5                   SPEAKER: I'd like to say good evening.

6                   PRESIDING MEMBER PERNELL: Good evening.

7                   SPEAKER: Commissioner Pernell, you've  
8 seen me before in Huntington Beach.

9                   PRESIDING MEMBER PERNELL: Yes, I have.

10                  SPEAKER: And you know my position on  
11 these power plants.

12                  PRESIDING MEMBER PERNELL: Yes, I do.

13                  SPEAKER: My position is I'm in favor of  
14 power plants. And let me tell you why I'm in  
15 favor of power plants. I represent an  
16 organization that employs over 18,000 people in  
17 southern California. My jurisdiction goes from  
18 San Luis Obispo north to San Diego, to the  
19 Nevada/Arizona border, and all over oil rigs out  
20 there in the ocean.

21                  In 1970, when I came back from Vietnam,  
22 I attended West LA College. I ran the hills of  
23 Chevron in Baldwin Hills. I was on the track  
24 team, and I was about 100 pounds lighter.

25                  But let me tell you something about

1       these power plants. You need them. You build  
2       homes. They're also in -- driving down here, the  
3       Culver City drive in, all those homes are drawing  
4       power, the \$500,000 homes up there in upper  
5       Ladera, and so on and so forth. The homes over  
6       there where the project choose to be, over off La  
7       Tierra, it's new complexes in there.

8               What we have to understand, in my  
9       generation, probably the most things that -- most  
10      item that draw the most current in the house was a  
11      iron. Probably a toaster. Now you're talking  
12      about computers, microwaves, and so on. We  
13      haven't built a new power plant in southern  
14      California since 1983, and that was Diablo Canyon,  
15      and that was a nuke.

16             You're talking about \$250,000 homes to a  
17      million-six. In Huntington Beach, for those of  
18      you that don't know where Huntington Beach is,  
19      it's about 40 miles down the coast. They got a --  
20      they're retooling on a old Edison plant right  
21      now. And the average house in Huntington Beach  
22      starts at 350,000. They're retooling -- they're  
23      retooling that. They're going to retool --  
24      they're going to retool Scattergood. That's right  
25      in Playa Vista. They're going to retool the old

1 Edison plant.

2 The mistake that was made is when we  
3 voted for Wilson and this deregulation came. I'm  
4 telling you people, you better put the power plant  
5 in or you'll be sorry. And I'm going to tell you  
6 --

7 (Audience interruption.)

8 HEARING OFFICER BEHE: Ladies and  
9 gentlemen --

10 SPEAKER: -- you've got to put it --

11 PRESIDING MEMBER PERNELL: Let -- let  
12 him speak.

13 SPEAKER: We can put -- we can put the  
14 power plant in Playa Vista, if that's where you  
15 want it. But I guarantee you, you won't drive  
16 down Slawson Avenue, because that's where those --  
17 that's where the grid will be. That's where the  
18 grid will be.

19 So I'm -- I'm begging you, look at it.

20 (Applause.)

21 SPEAKER: I'm -- hey, I'm not finished.  
22 I gave all you conservatives, or whatever you want  
23 to be, that's what I will call you --

24 PRESIDING MEMBER PERNELL: Sir, would  
25 you address me, please, with your concerns.

1                   SPEAKER: All right.

2                   PRESIDING MEMBER PERNELL: And I would  
3                   appreciate in the audience, allow him a chance to  
4                   speak. He's been sitting here, just like we all  
5                   have. Please be courteous.

6                   SPEAKER: And I -- and I own property in  
7                   that area, also. I don't live in that area, but I  
8                   own property.

9                   (Comment from the audience.)

10                  SPEAKER: Well, I don't have to live  
11                  there. But Mr. Pernell, again, I didn't create  
12                  this problem. You didn't say anything, the people  
13                  didn't say any -- these real estate, land barons,  
14                  when they wanted to sell these homes and build  
15                  those new homes up there, they weren't concerned  
16                  about it. If they don't build the power plant, I  
17                  guarantee you they'll wish they would. In  
18                  Southgate today, call Mayor Morell (phonetic) over  
19                  there, and ask him would he build a power plant  
20                  today, when three months ago he was trying to get  
21                  re-elected.

22                  Thank you.

23                  PRESIDING MEMBER PERNELL: Thank you.

24                  SPEAKER: I'm sorry, just for one  
25                  second. I just wanted to get on the record, if I

1       may, who told me that they would need the general  
2       plan amendment. That was George Malone, from the  
3       General Planning Development Division of the  
4       Regional Planning Authority of Los Angeles County.

5               PRESIDING MEMBER PERNELL: That -- that  
6       said that they would need a General Plan  
7       amendment?

8               SPEAKER: Yes. To develop in the open  
9       space, which they are now designated as.

10              PRESIDING MEMBER PERNELL: Okay.

11              SPEAKER: Thank you.

12              HEARING OFFICER BEHE: Thank you. And,  
13       sir.

14              MR. CABALLERO: Thank you very much.  
15       I'm Charles Caballero, resident of Ladera. Also a  
16       member of the Ladera Civic Association. But most  
17       importantly, I'm a member of the Ladera Senior  
18       Center. I'm a 73-year old native of Los Angeles,  
19       and I'm here to tell you that one of the pleasures  
20       that I had for the last two years was working with  
21       the Baldwin Hills Expansion Advisory Committee.

22              Now, you've been told that the power --  
23       proposed power plant would be just south of the  
24       park. Well, in the plan we have a community  
25       center and a senior center just south of the

1 plant. And, you know, we need to think in terms  
2 of needs of our community, especially our seniors,  
3 and to have a power plant just south of a state  
4 park, and just, again, just -- let's see, that  
5 would be south of the park, and just the proposed  
6 senior center would be just south of the plant.  
7 The proposed plant. I -- I think we really need  
8 to re-think this through and find another site.  
9 And I think people needs come first.

10 Thank you.

11 (Applause.)

12 PRESIDING MEMBER PERNELL: Thank you,  
13 sir.

14 MR. BARNES: My name is Richard Barnes.  
15 I live in the Newport area, and I represent the  
16 3900 block of Olympiad Drive, there's a block  
17 club.

18 And I do not want to stand here and  
19 review and recap all the things that have been  
20 said this evening. All of which, except for one,  
21 I have agreed primarily. I was in the antechamber  
22 and I couldn't hear specifically what was said.  
23 But those things I heard, I did agree with. And I  
24 would like to thank the Commission for having --  
25 giving me this time to say a couple of words.

1                   But I want to just make one comment  
2           here, one observation. There's -- and I apologize  
3           to those people who are students of the Chinese  
4           philosophy. I'm not, but I've heard it said that  
5           in the Chinese language there's no word for  
6           prices. They have two words, they're called  
7           danger opportunity. And I would like to ask if  
8           this 21-day permit is not the result of some  
9           danger that somebody sees, and they want to take  
10          advantage of the opportunity and rush this thing  
11          through.

12                   And we have heard here this evening the  
13          word offset. Offset for pollution. What does  
14          that mean? It means that you buy somebody else's  
15          good plants and bring it over here, and pay them a  
16          little money for that, and then you do that  
17          polluting here.

18                   Well, I would like to suggest that they  
19          offset the gas out someplace else. Gas lines are  
20          here. They've talked about injecting electricity  
21          into the system here. They can inject it  
22          anywhere, and it can come anyplace you want to go.  
23          And I think they can do the same for gas. There's  
24          a lot of gas pipes throughout this area. And I  
25          would like the Commission to consider that when

1       they go to make a decision on this 21-day permit.

2               And also, I wonder how could we have  
3       this, what's so magical about the 30th of  
4       September. And I believe summer is over at that  
5       time.

6               Thank you.

7               (Applause.)

8               PRESIDING MEMBER PERNELL: Thank you,  
9       sir.

10              Is there anyone else that would like to  
11     address this Committee that hasn't spoken?

12              MR. SEREY: Hi, Commissioner. My name  
13     is Hillard Serey, and I'm a citizen and a resident  
14     of Ladera. I -- I've lived there since 1975, and  
15     the member of the Ladera Civic Association.

16              I think all the comments, except one,  
17     you've heard tonight have been no, we don't need a  
18     power plant in our neighborhood. I'm a big  
19     believer in facing a problem head-on. When  
20     there's an emergency situation, you do increased  
21     production by increasing the existing plants,  
22     rather than trying to create new ones, because you  
23     can do it much faster.

24              There's a lot of -- and I'm sure a lot  
25     of you have gone to Las Vegas. All the lights are

1 still burning there. We haven't built that many  
2 homes or added that many lamps and TVs in our  
3 existing homes. So I think we should face reality  
4 and know that some of our power shortage is not  
5 real. And we may have a problem, but we can  
6 certainly conserve energy and reduce our output in  
7 an emergency situation, rather than creating a  
8 health hazard to our families and our kids and our  
9 grandkids.

10 And I would like to say to Stocker  
11 Resources, do the right thing for once. Withdraw  
12 your application, and let's let our kids have a  
13 place to play and our families to grow up and be  
14 in a safe environment.

15 Thank you.

16 PRESIDING MEMBER PERNELL: Thank you,  
17 sir.

18 (Applause.)

19 PRESIDING MEMBER PERNELL: Is Senator --  
20 Senator Murray still here? Senator, if you -- I'd  
21 like to allow you the opportunity, if you wanted  
22 to say anything else, or just address the --

23 (Discussion between the audience  
24 and Senator Murray off mic.

25 Senator Murray's closing comments

1                   off mic.)

2                   PRESIDING MEMBER PERNELL:   Also, would  
3           you -- would you go through the schedule again?  I  
4           know we changed it a little bit.  I have it here.

5                   MR. JOHNSON:  Our current plan is to  
6           publish the Staff Assessment on June the 7th.  And  
7           then we will issue a -- before we -- as soon as we  
8           can find a location the week of June 11th, we'll  
9           issue the notice.  We'll do several things.  We'll  
10          mail it to everyone who signed in here tonight, so  
11          you'll get your copy in the mail.  We'll put it on  
12          the Web, on the Energy Commission's Web page.  And  
13          right now, if you wanted to sign up for the e-  
14          mail noticing, what you can do there, you can put  
15          your e-mail address into the Web page and then  
16          whenever the notices come out, they'll come to you  
17          electronically.

18                   We'll also be publishing in the  
19          newspaper, like we did for this meeting.

20                   (Comments from the audience.)

21                   MR. JOHNSON:  We would request --

22                   (Comments from the audience.)

23                   PRESIDING MEMBER PERNELL:  That, we  
24          would have -- I mean, this is a new building to  
25          me, and so I don't know where it's at.  I would

1 ask the representative from the City of Culver to  
2 make sure that we get a copy, and then we can do  
3 so.

4 (Comments from the audience.)

5 PRESIDING MEMBER PERNELL: I think as  
6 long as we get it, then we can disseminate the  
7 information if we have a -- we have a list.

8 (Comments from the audience.)

9 PRESIDING MEMBER PERNELL: Everybody's  
10 looking around.

11 MR. JOHNSON: In the past, when we've  
12 had a court reporter doing it and a transcript,  
13 we've -- we've had that available electronically.  
14 And we do put it on the Web. On this one, because  
15 it's a videotape, I'm not sure if we'll be able to  
16 have that one done. But we can -- we can check  
17 with our transcription service and see if they can  
18 do that for us.

19 PRESIDING MEMBER PERNELL: I'm sorry, I  
20 didn't hear that.

21 (Comments from the audience.)

22 PRESIDING MEMBER PERNELL: Okay. One --  
23 one of the -- let me -- and I've been apologizing  
24 for -- well, seems like all night, in terms of  
25 being late. But one of the things that has

1       happened here, and we're very fortunate that the  
2       City of Culver has a video system. Our court  
3       reporter did not make it. And we wouldn't have  
4       had a -- a record of this proceeding. Actually, I  
5       don't think the proceedings would've went on had  
6       -- had it not been for the videotape system in  
7       this building.

8               So we are fortunate, in a way, that the  
9       City of Culver does have a video system. But we  
10      can't get a written transcript because our court  
11      reporter didn't make it. So we will try and --  
12      and have that service do a -- a written document,  
13      but we can't -- we can't promise.

14             (Comments from the audience.)

15             PRESIDING MEMBER PERNELL: Yes. That  
16      was -- but I -- I can't guarantee 100 percent that  
17      that'll be done. We've got to talk to them.  
18      Obviously, they didn't make it, so there's a  
19      contractual problem there. But we will try and  
20      pursue that so that everyone can get the  
21      information.

22             Again, this is a open process, and you  
23      -- you have a representative out there that's  
24      going to make sure that it's going to remain that  
25      way. But we -- we will do what we can to get the

1 information to the communities. And certainly,  
2 you will know in a timely manner as to when the  
3 next meeting is.

4 And I would -- I would applaud Senator  
5 -- Senator Murray's suggestion of the homeowners'  
6 associations, we have those lists, to work with  
7 his office for the -- another kind of site  
8 community visit so we can see the things that we  
9 didn't see this evening. So we're -- we're  
10 willing to do whatever we can here at this  
11 Committee, certainly myself, and speaking on  
12 behalf of the Commission, to accommodate the  
13 community so that we can get all of the facts.

14 HEARING OFFICER BEHE: And our Public  
15 Advisor is, by gesture, indicating you're going to  
16 get a notice of hearing if your name is on one of  
17 those clipboards, so please attend to that before  
18 you leave this evening.

19 Commissioner.

20 (Question from the audience.)

21 PRESIDING MEMBER PERNELL: It is a  
22 public meeting.

23 (Question from the audience.)

24 PRESIDING MEMBER PERNELL: Yes. And we  
25 also have, if you can't get up to Sacramento, we

1       can do a conference call on this item at the  
2       Commission.

3                   (Question from the audience.)

4                   PRESIDING MEMBER PERNELL:  Okay.  Well,  
5       we'll -- we'll certainly let you know when it is.

6                   HEARING OFFICER BEHE:  Want to wrap it  
7       up?

8                   PRESIDING MEMBER PERNELL:  Any other --  
9       any other questions, because I want to --

10                  (Questions from the audience.)

11                  PRESIDING MEMBER PERNELL:  Not very big.  
12       Do you know how many it holds, Roger?  It's about  
13       -- it'll hold -- it has the same capacity,  
14       approximately the same capacity as this room.

15                  All right.  I -- in closing, I want to  
16       thank the city for their hospitality, thank the  
17       Applicant, as well as Senator Murray and  
18       Assemblyman Wesson, and -- and, of course, the  
19       Ambassador Watson, and all of you.

20                  Certainly, this has been a long meeting.  
21       It's almost 12:00 o'clock.  So I thank you, and if  
22       there's nothing else to come before this body,  
23       this meeting's adjourned.

24                  (Thereupon, the hearing was  
25       concluded.)

## CERTIFICATE OF TRANSCRIBER

I, LEE ROBB, an Electronic Transcriber, do hereby certify that I am a disinterested person herein; that I transcribed the foregoing California Energy Commission Informational Hearing from a video tape of the proceedings to the best of my ability.

I further certify that I am not of counsel or attorney for any of the parties to said Hearing, nor in any way interested in the outcome of said Hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of June, 2001.

LEE ROBB

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